



The Torah REVOLUTION

Fourteen Truths That
Changed the World

Rabbi Reuven Hammer, PhD

Though much has changed since that time, human beings, human actions and human needs remain much the same.

This fascinating examination of Moses's teachings about God, humanity and society revisits some concepts that have never been fully realized, have gone unrecognized, or have been obscured under layers of interpretation. By

clarifying his revolutionary thinking it illustrates how a society based on these ancient teachings would revolutionize civilization

and lead toward a more perfect world for humankind.

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Fourteen Truths That Changed the World

Rabbi Reuven Hammer,
PhD

*For People of All Faiths, All
Backgrounds*

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Dedication:

To our three great-grandchildren,

Eliya, Nadav, and Levi, and those who will come after—
You must be very strong and resolute to observe faithfully all the Teaching that My servant Moses enjoined upon you. Do not deviate from it to the right or to the left, that you may be successful wherever you go. *Joshua 1:7*

Contents

Preface

Introduction:

Torat Moshe—The
Teaching of Moses

Part I: Divinity

1. God Is Unique

2. No Divine Power of Evil
Exists

3. Morality Is God's
Supreme Demand

4. Worship Is for the
Benefit of Humans

Part II: Humanity

5. Human Life Is Sacred

6. All Human Beings Are

Equal

7. Men and Women Are
Equal

8. Human Beings Have
Free Will

Part III: Society

9. Human Sovereignty Is
Limited

10. The Priesthood Is
Divorced from Magic

11. Land and Wealth Are to
Be Distributed Equally

12. Slavery Must Be
Mitigated

13. The Needy Must Be
Cared For

14. A Day of Rest for All

Afterword: The Legacy of
Moses

Preface

This book would not have been possible without the work of outstanding biblical scholars, whose insights into the background and basic meaning of the texts of the Torah have revealed much that was previously unknown and hidden. They are not responsible for what I have written, but without their work, I could never have conceived this book. The seminal work of Yehezkel Kaufmann, to which I was first

introduced by Professor Shalom Spiegel in my years at the Jewish Theological Seminary, forms the basis of my understanding of the early religion of Israel. It was also my privilege to study with Kaufmann at the Hebrew University. I must single out for special mention three of the greatest biblical scholars who unfortunately all passed away while I was working on this volume: Moshe Greenberg, Jacob Milgrom, and Yochanan Muffs. These extraordinary men were colleagues and friends from whose

insightful works I have drawn liberally. The biblical commentaries and articles of the late Nahum Sarna and of Baruch Levine and Shalom Paul were also extremely helpful, as were the comments of Bezalel Porten. I owe special thanks to Jeffrey Tigay, not only for his work on Deuteronomy, but also for his generosity in commenting on my initial plans and providing me with helpful biographical material. Needless to say, these men are not responsible for my work and my conclusions, and all

INTRODUCTION: Torat Moshe—The Teaching of Moses

A previous book of mine, a commentary on each Torah portion, encompassed the entire Torah from *alef* to *tav*. Writing it was a unique experience. Usually Jews concentrate on one specific portion, or parashah, at a time. Even if we do that week by week in successive order, we still tend to see the trees and not the forest. Doing it this way—relating to the Torah as a whole, as a unity—I

Therefore, when I refer to postbiblical works, it is mainly to show how they were influenced by these Torah truths and carried them forward. The entire Torah may not be the work of Moses in the most literal sense, but it certainly contains the concepts of Moses and his instructions to Israel as various schools of thought through the centuries that followed his existence interpreted them. As biblical scholar Jeffrey Tigay put it, "The great structure of Jewish law that eventuated from Moses's original teachings is

ultimately his, even if he would not recognize the forms it would eventually take. In that sense the writers of Deuteronomy, too, have given us the Teaching of Moses, that is, a statement of his fundamental monotheistic teaching, designed to resist the assimilatory temptations of the writers' age and to preserve monotheism for the future."

I am well aware that there are different strands within the Torah, that it reflects different groups, and that there are various emphases

said and done, the common ground among these groups far outweighs the differences, and the basic insights underlying them all create a whole that is greater than the sum of its parts.

The twentieth-century biblical scholar Jacob Milgrom once explained that he had no problem referring to the Torah as *Torat Moshe*—the Torah (Teaching) of Moses—even though all Milgrom's work was based on the assumption that the Torah we have was not brought into its final form until

conceptions, they were all influenced by what Moses had taught and built on his ideas. Indeed, I believe that certain basic concepts, which I have chosen to call “truths,” informed all of these teachings. When I use the term “truths,” I mean basic ideals presented in the Torah that rest on belief and not on scientific proof. Much as the American Declaration of Independence spoke about truths that were “self-evident,” so too these truths contained in the Torah are self-evident.

If I am correct, Moses

of him than the Torah itself tells us. All the rest is speculation. Although everything in the Torah is ascribed to divine revelation, so that all the laws and concepts are deemed to be the authorship of God and not of Moses, who is only the conduit, nevertheless this conduit was not an empty vessel. Whatever our conception of divine revelation, the intellect and the moral and ethical sensitivity of Moses deserve appreciation. We tend to look in admiration at his courage and his

English Magna Carta, the French Declaration of the Rights of Man. and the American Declaration of Independence as radical and revolutionary in the good sense of those terms. But the Torah was and is no less radical. It was a revolution in its day, and the amazing thing is that now—some three thousand years later—it has not lost its radical flavor.

When dealing with the story of creation I wrote:

*Like a bolt of lightning.
Genesis shattered ancient
myths and replaced the*

so; and they are often interrelated.

Understanding these concepts helps us understand the narratives and the laws in the Torah. They did not emerge in a vacuum. The following is a brief description of each truth. The chapters of the book will explain them in depth.

1. The first of these revolutions, as indicated, lies in the very concept of God. All the elements of myth are absent. God is not in nature but above nature. God is in essence unknowable—but not

and darkness. The Torah rejects the idea that there is any such evil force in the world.

3. Morality is God's supreme demand on all human beings, as witnessed by the stories of the flood and of Sodom and Gomorrah. The prophets emphasize this time and time again, but the origins are in the Torah itself.

4. The purpose of worship changes from providing the gods that which they need and conducting rituals that have an effect on them into an act for

6. Next is the equality of all human beings. There is only one common ancestor for us all, regardless of race or religion. The Torah and the rest of the Hebrew Bible never make Jews—Israelites—superior to other human beings. This also leads to the idea that each individual is important and is unique.

7. The seventh is the equality of men and women. Unfortunately, this equality was not carried out to its ultimate end in legislation where, especially with respect to

marriage, men are given greater rights.

8. Human beings are granted free will and are not in the hands of fate; the concept of choice is the very opposite. No one is doomed in advance. All of human responsibility comes from this idea. The High Holy Days as they exist today are predicated on the idea of choice.

9. The sovereign—if there is to be one—has limitations and is subject to the rules of the Torah because God is the only absolute Sovereign. Even if there were to be a

human sovereign, he would not be a supreme leader, and certainly not a god.

10. The priesthood is given an entirely new meaning, totally divorced from magic, healing, or rites that bring about any divine action. Priests have no special powers. They can pronounce God's blessing but cannot themselves cause either blessing or curse. They can teach the people Torah but possess no secret knowledge that is kept from the public.

11. The Torah contains

several laws governing economics. They include the equitable distribution of land, including the return of the land and the forgiveness of debts in the Jubilee year. This economic plan may be totally unrealistic, but it sets an impressive and challenging standard.

12. Another given is the virtual abolition of Israelite slavery. The experience of Egypt caused us to be sensitive to the plight of the slave and to mitigate all slavery.

13. The impoverished, the

needy, and the stranger must be treated properly. This, too, is based on the experience of Israel in Egypt. We were strangers and know what that means.

14. The institution of a day of rest for all—servants and animals included—is a radical social concept. Everyone is entitled to that most elementary thing—time off.

Taken together, these fourteen truths paint a picture of the world, of human beings, of society, of religion, and of morality

that is surprisingly modern and relevant. They are not provable in any scientific way, nor can they be disproved. They are givens based on prophetic insight or, if you will, on divine revelation. They teach that humanity is one, as God is one. That magic and superstition are falsehoods. That humans are responsible for their actions and have the choice to do good or evil. That poverty and deprivation, slavery and hatred are evils that must be eradicated. That the earth is not ours to destroy. That love of

others is a divine command. A society based on these principles would revolutionize the world.



Part 1: DIVINITY

3: Morality Is God's Supreme Demand

Revolutionary Truth #3:

Morality is God's supreme demand of all human beings. Ritual is secondary to right conduct.

I am El Shaddai. Walk in My ways and be blameless.
Genesis 17:1

For I have singled him out, that he may instruct his children and his posterity to keep the way of YHVH

by doing what is just and right.

Genesis 18:19

Who may ascend the mountain of YHVH? Who may stand in His holy place?—

One who has clean hands and a pure heart.

Psalms 24:3-4

Abraham and the God of Justice

According to the Torah's tradition, as far back as Abraham, the very first Hebrew, it was a given that

God was a God of justice. Although Abraham's exact concept of the nature of that God is not spelled out, the Torah makes clear that he knew that his God was a righteous God who placed supreme value on justice and righteousness in human conduct above any considerations of ritual or correct worship. This can be seen from the story of the cities of Sodom and Gomorrah. Although Abraham believed that his God was a God of justice, it was not justice in the sense of harshness, but justice combined with mercy.

Therefore, Abraham could reason with God and say, "Shall not the judge of all the earth deal justly?" (Gen. 18:25), utilizing a play on words, because both "judge" and "justly," *shofet* and *mishpat*, come from the same Hebrew root. After all, what Abraham asks of God is not simply to save the righteous in the city, which would be strict justice, but to save an overwhelming number of sinners if there were even ten righteous people. The Sages understood this when they ingeniously turned that

and the later teachings of the prophets of Israel were based on the belief that justice and righteousness were the very foundations of religion.

The God of Mercy

Moses also learns and imparts to Israel the ethical and merciful nature of God. In the story of the Golden Calf, Moses asks to see God's "Presence" (Exod. 33:18), meaning to understand God's nature. Although the answer—"You will see My back; but My

face must not be seen” (Exod. 33:23)—means that no one can fully understand the Divine, God does reveal to Moses what has come to be known as the Thirteen Attributes of God:

YHVH! YHVH! a God compassionate and gracious, slow to anger, abounding in kindness and faithfulness, extending kindness to the thousandth generation, forgiving iniquity, transgression, and sin; yet He does not remit all punishment, but visits the iniquity of parents

punishment.” Thus, the Rabbinic Sages went a step further in their desire to emphasize the merciful nature of God and minimize God's punishment.

In one of his last orations to the Israelites, Moses gives his understanding of the nature of God, a three-part summation of all he has attempted to teach them in their forty-year journey:

For YHVH your God is God supreme and Lord supreme, the great, the mighty, and the awesome

God, who shows no favor and takes no bribe, but upholds the cause of the fatherless and the widow, and befriends the stranger, providing him with food and clothing. You too must befriend the stranger, for you were strangers in the land of Egypt.
(Deut. 10:17-19)

In the first section, Moses asserts the supremacy of God and God's greatness and power, painting an awesome portrait of an unimaginable Divine Power. In the second part, he depicts a God who is the

very essence of morality and who cares for the indigent and the needy, even providing them with the basic necessities of life. Finally, in the third section he comes to the important point: each of you—the Israelites—must imitate God's qualities of honesty, morality, and care. This teaching informs all of the Torah and influenced the teachings of the prophets and of later Judaism as well. Its meaning is clear: morality—ethical living, acting justly and mercifully—is the absolute demand of God. Rituals, as

important as they may be, are secondary. As scholar of Jewish thought Louis Finkelstein writes, "The dominant principle of the Torah, whether love for man or obedience to God, obviously expresses itself in every commandment—ritual, moral, or legal. But perhaps we may take it that from the viewpoint of the School of Hillel, the legal and moral law reflects the ideas of Torah directly and the ritual system only indirectly."⁵ This radical and revolutionary idea dominates the stories and the legislation of the Torah

19:2)—a holiness predicated on ethical living. Not to act justly is not merely a violation of a social norm or a crime against the state; it is a sin against God.

Penalties Lenient and Strict

Many of the civil statutes are similar to laws found in other ancient codes, but frequently they differ in the nature of penalties for their violation. Some of these differences are because of a tendency toward greater

to punish the wife, in the Torah he has no say in the matter (Lev. 20:10; Deut. 22:22). Mesopotamian law allowed the king to pardon capital offenses and permitted ransom for murder. A life could be compensated for monetarily or by another life. That is impossible in the Torah because human life is sacred (Exod. 21:12—17; Gen. 9:5—6). Later on, this same concept led the Rabbis to enact rules of evidence so strict that capital punishment was virtually impossible.” In a discussion that was purely

(Talmud, *Makkot* 1:11).

The Role of Rite

Religion by definition has always included rituals in which the worshipper serves the realm of the Divine. In this, Israelite religion was no different. The rituals that were held in the Temple were called "the service" (*avodah*), and in later Judaism, prayer was termed "the service of the heart" (*avodah she-balev*). The difference lay in the meaning, emphasis, and content of such

worship, and the fact that morality was no less a part of obedience to God than ritual, but rather the opposite: morality was the very essence of obedience to God. This difference was made possible by the new understanding of the nature of God that we discussed in chapter 1.

To briefly recapitulate: Near Eastern religions, whether those of Abraham's Mesopotamia or Moses's Egypt, all worshipped gods who were dependent on their followers to supply their needs, both physical and

metaphysical. Since the gods themselves were subject to external forces, had physical needs for food and drink, and could be dominated by magic and incantation, even needing these to sustain their power, these deities were truly in need of human beings. The elaborate rites celebrated in the gods' magnificent temples provided those needs, including food and shelter. The God of Israel was above all of that. YHVH could dispense with sacrifices and could even raze the Temple—YHVH's

God Needs Human Beings

In his inspirational book *God in Search of Man*, Abraham Joshua Heschel notes that "Where are you?" is God's first question to Adam (Gen. 3:9). It is the basic question asked of every human being. God searches for and needs to find human beings, not for the purpose of serving God's personal needs but to create the human society that God wishes to see on earth. "All of human history as described in the

Bible may be summarized in one phrase: God in search of man."

The new understanding of God as presented in the Torah thus changes the very nature of our relationship to God and redefines the purpose and importance of ritual. In its place comes the imperative to imitate God, a God whose very essence is morality. "You shall be holy, for I, YHVH your God, am holy' (Lev. 19:2). The Holiness Code, as this section has come to be known, includes ritual laws because these are needed

to connect humans with the presence of the Divine, but the vast majority of the laws there are moral imperatives: leave gleanings for the poor and the stranger, practice honesty and truthfulness, treat workers properly, love your fellow and the stranger, care for the aged. This idea is repeated in Deuteronomy 10:17–19, quoted above. Exodus teaches that God is not only just but also merciful and compassionate (Exod. 34:6). As Rabbinic Judaism later taught, “Walk in the ways of YHVH. As God

in the Torah. Unlike the tales told in Mesopotamian and Babylonian texts, the Torah's stories of the flood are explicit in stating that the sin of that generation was a moral one. "YHVH saw how great was man's wickedness on earth, and how every plan devised by his mind was nothing but evil all the time" (Gen. 6:5). "The earth became corrupt before God; the earth was filled with lawlessness" (Gen. 6:11). In the Mesopotamian epic, on the other hand, the flood occurs because the god Enlil was disturbed by the

The Teachings of the Prophets

The primacy of morality and ethics was emphasized by the prophets and became their central message, but they did not invent it. They simply built on the concept that was inherent in the Torah's ideology, namely, that "God's covenant had a moral-legal, rather than a cultic purpose." The prophets make it very clear that God rejects cultic sites when people violate the laws of justice and love.

Such an idea was unknown to pagan religions. Jeremiah's polemic, uttered at the Temple site itself, illustrates this boldly. It is an illusion, he tells the people at the gate of the Temple, to think that the presence of the Temple will save them from destruction. Rather, they must change their ways. They will be saved, he says, "if you execute justice between one man and another; if you do not oppress the stranger, the orphan, and the widow; if you do not shed the blood of the innocent in this

place; if you do not follow other gods” (Jer. 7:5-6), They have made it a “den of thieves”; therefore, just as God destroyed the shrine at Shilo “because of the wickedness of My people Israel.” so God will destroy the Temple in Jerusalem and send the Israelites into exile if they do not change (Jer. 7:11-15).

Jeremiah's cry for just living and his scorn for worship unaccompanied by morality were preceded by the words of Amos (eighth century BCE). Amos speaks of the sins of Israel that will not be forgiven and

festivals, I am not appeased by your solemn assemblies. If you offer Me burnt offerings—or your meal offerings—I will not accept them.... But let justice well up like water, righteousness like an unfailing stream" (Amos 5:21—24). He goes so far as to question the very institution of sacrifices: "Did you offer sacrifice and oblation to Me those forty years in the wilderness, O House of Israel?" (Amos 5:25). Small wonder that Amaziah the priest wanted King Jeroboam to exile the prophet as a danger to the

Isaiah 58, in which the prophet speaks to the people who have called a fast to overcome some calamity. Their fast, he proclaims, is of no value “because on your fast day you see to your business and oppress all your laborers” (v. 3). Fasting and putting on sackcloth and ashes are not a true fast (v. 5); rather, Isaiah states, “This is the fast I desire: to unlock fetters of wickedness, and untie the cords of the yoke, to let the oppressed go free; to break off every yoke. It is to share your bread with the

hungry, and to take the wretched poor into your home; when you see the naked, to clothe him, and not to ignore your own kin” (w. 6-7). How appropriate that these words were chosen by the Rabbis to be recited specifically on the most sacred fast day of the year, Yom Kippur.

These prophets of Israel make explicit what was already implicit in the teachings of the Torah. Lest there be any misunderstanding, they pointed out specifically that just behavior is God's true desire, not sacrifices

or libations. "With what shall I approach YHVH, do homage to God on high? Shall I approach Him with burnt offerings, with calves a year old? Would the Lord be pleased with thousands of rams, with myriads of streams of oil? ... What does YHVH require of you? Only to do justice, to love mercy, and to walk humbly with your God," proclaims Micah (6:6-8). What courage it took on the part of Micah and other prophets to utter such words, yet all they were doing was expressing what the Torah taught and

taking it to its ultimate, extreme meaning. "The prophets word is a scream in the night," writes Heschel. "While the world is at ease and asleep, the prophet feels the blast from heaven."

Moral Emphasis in the Psalms

The pervasiveness of this outlook in Israel is seen by the fact that the book of Psalms, so closely connected to the Temple and its rites, contains calls for morality in terms that

revolutionary in grounding itself, as Kaufmann writes, “in the absolute command of God, revealed and imposed on mankind by him.... Morality is not a private matter.... Society as a whole is under a covenant obligation to eradicate evil from its midst and cause justice to prevail.’

As for the Torah's laws of ethical living, they are exhortative in nature and not merely a dry legal compilation. “Do what is right and good in the sight of YHVH” (Deut. 6:18), exhorts Moses in a saying that was traditionally

understood to mean that strict observance of the laws was insufficient. Rather, all actions should be judged on the basis of being right and good, not merely legal. “Love your fellow man” (Lev. 19:18) and “Love the stranger as yourself” (Lev. 19:34) in the Holiness Code hardly qualify as legally enforceable rules. The same may be said about Moses's call, “Justice, justice shall you pursue” (Deut. 16:20).

Ethical Emphasis in Later Judaism

In the Rabbinic period, the Sages of Israel agree that the very basis of all of the Torah is ethical behavior. The earliest to voice this clearly is Hillel, in his famous reply to the request that he teach a non-Jew the entire Torah while standing on one foot. Paraphrasing and interpreting Leviticus 19:18, "Love your fellow as yourself," in Aramaic, Hillel replies, "Thai which is hateful 10 yourself do not do 10 your fellow. All the

(6:8).

Isaiah came and comprised them in two: Keep justice and do righteousness (56:1).

Amos came and comprised them in one: Seek Me and live! (5:4).

(Talmud, Makkot 24a)

According to Rabbi Simlai, then, the system of mitzvot has as its goal creating a person who will constantly seek to live according to godly ways and to be always in God's presence.

Thus the infinite value of ethical living runs directly from Abraham to Moses and the commandments of

5: Human Life Is Sacred

Revolutionary Truth

#5:

Humans are differentiated from all others in that they are created in the image of God. Therefore, human life is sacred; it is an absolute value.

And God said. "Let us make the human being in our image, after our likeness. They shall rule the fish of the sea, the birds of the sky, the cattle, the whole earth, and all the creeping

revolutionary assertion of Moses's teaching, proclaiming the value of human beings and their inestimable worth. Because Judaism also teaches that compared to the expanse of the heavens and the eternity of the universe, the human being is "like a breath; his days are like a passing shadow" (Ps. 144:4), we might think that humans are hardly worth God's consideration or care. Not so. Humans are but "little less than divine" and are adorned "with glory and majesty."

This belief in the ultimate

familiar with these texts or similar ones, at least orally. They would have heard them recited at ritual occasions. Yet although there are echoes of these texts in the Torah, on this subject the Torah deliberately departed from them in radical ways. Not only is the method by which humans were created different, but also the very purpose of their creation and their nature. There is no hint in the Torah that God created Adam and Eve so that they might be God's slaves or servants. Rather, the task

scientific facts, this in no way negates the importance of the Torah's teaching.

The Creation of Human Beings

To return to Genesis, modern biblical studies posit that in many instances the Torah contains more than one version of the same story. That is the case of the tale of the creation of humans. There are two different versions stemming from two different ancient

schools of religious thought within the religion of Israel. They can be differentiated in many ways, as noted earlier, including the fact that the first uses only the word Elohim to refer to God, while the second adds the name *YHVH*, commonly translated as "Lord." Yet the positive attitude toward human beings is expressed in both of these myths of creation, albeit in different ways. The basic value concept underlying them both remains the same: humans are the crown of God's creation of living

creatures, endowed with immeasurable worth. They alone are worthy of and capable of interaction with the Divine.

Let us examine these two accounts. Genesis 1-2:3, stemming from the source known in scholarly circles as P, the Priestly school, [*Speiser, Genesis. 8.*]

is spare in detail, austere in vocabulary, yet filled with grandeur in the scope of its canvas. It describes creation in terms of divine fiat. The creation takes place in six stages, each of which is termed a “day.” The process moves from

the inanimate to the animate, with the last step being the creation of human beings. Everything leads up to this moment. The human is thus the very peak of creation, the one who is given the task of ruling over and caring for everything that has been created on earth (Gen. 1:26, 1:29-30).

Exactly how humans were actually created is never described in source R. Instead, we are simply told that after deciding to create humans, God did so (Gen. 1:27). The uniqueness of that creation is indicated

those faculties and gifts of character that distinguish man from the beast and that are needed for the fulfillment of his task on earth, namely intellect, free will, self-awareness, consciousness of the existence of others, conscience, responsibility and self-control." [*Nahum M. Santa, Understanding Genesis (New York: Jewish Theological Seminary of America, 1966), 15-16.*]

The Torah itself is silent on the exact meaning of the phrase. [Elsewhere the word "image," *tzekm*, is

found in reference to idols and images of false gods. Hillel's story is comparing the human being to these images.]

Nevertheless, it seems clear that its importance lies in its indication that the human being—and only the human being—shares a likeness with the Divine. This could be physical, moral, or intellectual. The practical consequence, as we have seen, is that human life is of inestimable value. It cannot be measured in any way. P, the first biblical account, then, gives no

details of the creation of humans but indicates the supreme value of human life by making humans the last of the creation. Their position at the end of the progression indicates their special status in being created in God's image and gives them the authority to rule over the world and all the creatures in it. That is the purpose and the meaning of human's creation.

The story told in Genesis 2:4-4:26 is quite different, although the importance and value of human life is no less. This section is

tend it” (2:15); just as in P's telling, humans were given the role of ruling over the earth "and mastering it” (1:28). In neither case are humans created to care for and help the gods or to be their slaves.

Although this version of creation does not mention the concept of “the image of God,” J does add that God “blew into his nostrils the breath of life, and man became a living being” (2:7), something that is not stated when the animals are created. This breath, coming from God, is a reflection of the Divine.

Many centuries later, the teacher known as Kohelet refers to this when, describing death, he writes, "And the dust returns to the ground as it was, and the life breath returns to God who gave it" (Eccles. 12:7).

All of this emphasizes the uniqueness of the human being in the eyes of the Torah. According to J, the human is the very purpose of creation, created before any other living creature. Without the human, there would be no vegetation on earth. Without the human, there would be no other

such, it is a religious credo, a sacred value that stands alone, dependent on belief and not on scientific validity.

Human Imperfection

J's account, however, is also concerned with the nature of human beings. Humans may be unique and even “little less than divine,” but they also are imperfect and inclined to transgress. The story of Adam and Eve in the Garden of Eden reflects that truth as well. It is

knowledge and experience, we are unaware of all the possibilities of good and evil in the world. Once we attain that knowledge, we are also mortal. Adam and Eve are responsible for their actions even before attaining that knowledge, and therefore they are punished. The story thus accounts for the presence of suffering and evil in the world by placing it on the head of human beings and the fact that they have free will.

In Akkadian accounts of the attainment of knowledge, the man,

Enkidu, gains it through sexual adventures, after which he is told, "You are wise Enkidu, you are like a god."

[Speiser, Genesis, 27; Pritchard, Ancient Near Eastern Texts, 75.]

Although many have interpreted Genesis as connecting sex with Adam and Eve's disobedience, the text conspicuously does not state that. At the very moment of Eve's creation, sexual activity is alluded to in a positive way: "Hence a man leaves his father and

time. And YHVH regretted that He had made the human being on the earth, and His heart was saddened" (Gen. 6:5-6). After the flood, that verse is echoed, but with a difference: "Never again will I doom the earth because of the human being, since the inclination of the heart of the human being is evil from his youth; nor will I ever again destroy all living beings as I have done" (Gen. 8:21). The Torah, speaking of God in anthropomorphic terms, expresses a change of heart, the realization that

the power of the inclination of evil within human beings led to the flood and destruction. Now that same realization leads to a pledge never to destroy the world again! Noah was saved not because of any fundamental difference between him and others but because of his righteous conduct. The lesson God learns, as it were, is not to expect perfection from human beings. They will err; they will do wrong. They need rules and regulation, discipline, to overcome the same fundamental flaw in

godlike potential may be realized.

In this matter Judaism's daughter religion, Christianity, differed, developing a doctrine of original sin in which the sin of Adam and Eve, known as the Fall, was passed on to all human beings through all generations. Human sinfulness has nothing to do with the actions of individuals and requires "salvation" that can only be attained through the sacraments of Christianity. *[Romans 5:19.]* Although there may have been some teachings in late classical

Judaism that emphasized Adam and Eve's sin, nothing further developed in that direction, and it certainly never became a dogma of Judaism. The biblical story that was the basis for the Christian doctrine was interpreted very differently by Rabbinic Judaism.

[See Abba Hillel Silver, Where Judaism Differed (New York: Macmillan, 1963), chap. 10.]

Rabbi Leo Baeck, leader of German Jewry at the time of the Shoah, writes

that the idea of original sin originated not in Judaism at all, but in the Orphic mysteries and that “Paul found a place for it in the biblical narrative and clothed it in biblical language.”

[Leo Baeck, Judaism and Christianity (Philadelphia: Jewish Publication Society, 1958), 244.]

It is hardly accidental that one of the few mentions of Adam and Eve in Jewish liturgy, for example, is in the blessing recited at weddings, which

6: All Human Beings Are Equal

Revolutionary Truth #6:

All human beings have the same common ancestors; they are descendants of one human father and mother. Therefore, all are equal. No race or nation is superior to any other.

YHVH God formed the human being from the dust of the earth. He blew into his nostrils the breath of life, and the human being

The Unity of Humanity

Only one human being was created in the world ... in order to create harmony among humans so that one cannot say to another, “My father is greater than your father,”.. and to proclaim the greatness of the Holy One who created each person in the image of the first human and yet no one is exactly like another. Therefore each person can say, “For my sake was the world created.”

(Mishnah Sanhedrin 4:4)

are “the children of *adam*,” one human being who fathered one human family. As the psalmist writes, “The heavens belong to YHVH, but the earth He gave to the children of *adam*” (Ps. 115:16). This is articulated by the renowned biblical scholar Moshe Greenberg, who coined the phrase “Adamites” to refer to human beings, called in Hebrew B’nei Adam. “Hebrew history” he writes, “begins not with the patriarch Abraham, but with the father of the human race, Adam. Its

implies that all of the others are also sons of God. As Rabbinics scholar Jacob Z. Lauterbach put it, the responsibility of the elder brother is to be an example and a helper for the younger brothers. Thus, even the idea of chosenness implies the relationship of a teacher to a pupil, rather than a belief in inherent superiority. [See Jacob Lauterbach, *"The Attitude of the Jew toward the Non-Jew,"* in *Central Conference of American Rabbis Yearbook* 31, ed. Isaac E. Maruson (Cincinnati: Central

is a book not of science but of moral truth. The unity and equality of all human beings is based not on science but on an ethical insight that may be seen as divine revelation. It is a fundamental belief, a basic concept, not a scientific fact. It is a belief that was instinctively understood by the founding fathers of America, who began the Declaration of Independence with the words: "We hold these truths to be self-evident, that all men are created equal." These words were considered so important

ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal." Yet the founding fathers did not follow this truth to its logical conclusion. They never recognized that women had equal rights or that nonwhites were equal and therefore must not be enslaved, even though these concepts were implicit in that statement.

There is something absurd about saying that "all men are created equal" when it is blatantly false.

Ginzberg, The Legends of the Jews (Philadelphia: Jewish Publication Society, 1909), 1:54-55, and (1925), 5:15-16.]

This leads inevitably to the conclusion that all humans have equal rights to such things as life, liberty, and the pursuit of happiness, equal rights to justice and freedom. If the law codes, whether Jewish, American, or other, do not achieve this, then they are still imperfect and need to be improved.

Righteous Gentiles in the Book of Jonah

The Torah's teaching of the equality of human beings comes to full expression in the book of Jonah. In this magnificent text, God sends the Hebrew prophet on the task of warning the people of Nineveh—if anything, enemies of the Israelites—that they are to be judged by God, “for their wickedness has come before Me” (Jonah 1:2). The purpose of this mission is not merely to inform them of approaching doom,

This message of human equality is all-pervasive in the book of Jonah. The king of Nineveh, a pagan, proclaims a fast and calls on the people to abandon their evil ways (3:8). The non-Hebrew sailors are depicted as extremely concerned not to injure Jonah and are termed “God-fearing” (1:16), the same expression used to describe the righteous midwives who saved the Hebrew infants in Egypt (Exod. 1:21).

[Whether they are Israelites is a matter of

alone to be delivered but for all to be saved from destruction—the blameless and the guilty alike. The righteous that he speaks of are not his family, but any human beings in the city who are innocent (Gen. 18:23-32).

There are times when the Torah singles out a group as being unworthy or even cursed. It is never because of an inherent flaw making them inferior, but because of bad conduct. Following the flood, for example, Noah curses Canaan, the son of Ham, because “Ham, the father of

text may also be justifying the generally negative attitude of the Torah toward the Canaanites, who are accused of immoral conduct, defending the loss of their land by pointing to the immoral conduct of their ancestor (Deut. 12:29-31). Just as in the Torah the conduct of the progenitor of a tribe of Israel is taken as representing the future history of the tribe, so too the conduct of an ancestor is symbolic of their future way of acting. Nevertheless, even here, it is their immoral conduct

that earns them punishment and not any inferiority within them.

Similarly, when Deuteronomy will not permit Moabites or Ammonites to “be admitted into the congregation of YHVH,” it is not because of their race but because of their conduct toward Israel (Deut. 23:4-7). Perhaps the story of Ruth, who was from Moab, was a quiet protest against that view. Even the Amalekites, against whom Moses proclaimed, “YHVH will be at war with Amalek throughout the ages!”

(Exod. 17:16), are blamed in this way because of their actions, not because of any inner flaw making them less than human. The demonization of human beings goes against the grain of the ideals of the Torah.

The concept of the equality of all human beings is embedded in all parts of the Hebrew Bible. In the section known as Writings, the repository of wisdom literature, for example, we find Job, who is not a Hebrew, depicted as a man "blameless and upright; he feared God and

shunned evil" (Job 1:1)—the finest descriptions of a truly righteous and religious man. This is similar to the Torah's description of another non-Hebrew, Noah, "a righteous man, blameless in his age" (Gen. 6:9). When Job protests his innocence and his goodness, he states that he treats his male and female slaves in such a way that they never have a complaint against him. "Did not He who made me in my mother's belly make him? Did not One form us both in the womb?" (Job

31:15). There is no belter expression of our common humanity than that.

The Torah's concern with humanity as a whole is also frequently echoed in the book of Psalms. As cited above in chapter 5, Psalm 8, basing itself on Genesis's account of creation (Gen. 1:26-30), speaks of all humanity as God's creation and concern: "What is man that You have been mindful of him, mortal man that You have taken note of him, that You have made him little less than divine, and adorned him with glory and majesty; You

are depicted as worshippers of the true God. "From east to west the name of YHVH is praised" (Ps. 113:3), a strange assertion considering the fact that all of the nations were considered to be worshippers of mere fetishes! "Their idols are silver and gold, the work of men's hands" (Ps. 115:4). Yet they are called on to praise God: "Praise YHVH all you nations, extol Him, all you peoples" (Ps. 117:1). "Let all the ends of the earth pay heed and turn to YHVH, and the peoples of all nations prostrate

themselves before You, for sovereignty is YHVH's and He rules the nations" (Ps. 22:28-29). The postexilic prophet Malachi goes so far as to say that YHVH is worshipped throughout the world—this at a time when the only monotheistic religion in existence was that of Israel. "From where the sun rises to where it sets. My name is honored among the nations, and everywhere incense and pure oblation are offered to My name; for My name is honored among the nations—said YHVH of Hosts" (Mal. 1:11). The

potential for realizing the truth concerning God may be found among all nations because all are equally God's children and God's creation.

The prophet Amos is clear about this idea when he teaches, “To Me, O Israelites, you are just like the Ethiopians—declares YHVH. True, I brought Israel up from the land of Egypt, but also the Philistines from Caphtor and the Arameans from Kir” (Amos 9:7). Not only is God the universal God—given that Judaism posits there is only one God, it

can hardly be any other way—but even if God has a special covenantal relationship with Israel, all human beings are objects of God's concern and are not set apart as if they were different in substance and essence from the people Israel. Even When that same prophet refers to the covenantal relationship—"Concerning the whole family that I brought up from the land of Egypt: You alone have I singled out of all the families of the earth—that is why I will call you to account for all your iniquities" (Amos 3:1-

2)—he speaks of Israel as a part of one humanity, “the families of the earth.”

In the same vein as Amos speaks of the past, Isaiah prophesies about the future: “In that day, Israel shall be a third partner with Egypt and Assyria as a blessing on earth; for YHVH of Hosts will bless them, saying, ‘Blessed be My people Egypt, My handiwork Assyria and My very own Israel’” (Isa. 19:24-25). The prophets envision the day when all will worship YHVH: “To Me every knee shall bow, every tongue swear

allegiance" (Isa. 45:23). The Torah begins with the creation of the one human being from whom all humanity springs. The prophets conclude with a messianic vision in which all humanity is united in the worship of the one Creator. *[Greenberg, Studies, 388-90.]*

This concept is articulated in the ancient *Aleinu* prayer that concludes every Jewish worship service. Written in the Hellenistic period before monotheism had spread outside of Judaism, *Aleinu* begins by asserting

that Israel is differentiated from all the nations in one way only—that Israel recognizes and worships the true God, while the others worship "nothingness and vanity." It concludes with the hope that this differentiation will disappear because all nations will abandon false worship and "all mortals will call upon Your name." Then YHVH will truly be one.

The Rights of "Strangers"

The influence of the ideal

owning land and, in general, who was referred to whenever the laws spoke of "idolaters." Although some sages took it as referring to all non-Jews, others restricted it literally to those who worshipped idols. The most liberal position on this question was taken by a thirteenth-century rabbi from Provence, Menachem Hameiri, who held that any such prohibitions applied only to the seven Canaanite nations who no longer existed and certainly not to people who were "guided by religious norms," which

human morality applies equally to all.... The differences in religious and ritual considerations do not in the slightest impinge on the full equality between Jew and Gentile in the eyes of the Torah.” *[Eliezer Schweid, Democracy and Halakhah (Lanham, MD: University Press of America, 2002), 66.]*

As Lauterbach puts it, “For we are mindful of the fundamental principles of our religion, that we all have one Father in heaven and that every human being is made in the image of the Father and that we

God. The human being is exceedingly beloved in that it was made known to him that he was created in the image of God” (*Pirkei Avot* 3:18).

Hillel’s contemporary, Shammai, taught that one was to greet “every human being with a cheerful face” (*Pirkei Avot* 1:15).

in an interesting discussion between Akiba and Ben Azzai on the question of which verse of the Torah is the basic verse on which everything else depends, Akiba suggests, “Love your neighbor as yourself” (Lev. 19:18). Ben

and concern to them all. The eighteenth-century mystic Pinhas Eliah Hurwitz reinterprets the verse from Leviticus that Akiba chose to apply to all human beings:

The essence of neighborly love consists in loving all mankind, all who walk on two legs, of whatever people and whatever tongue, by virtue of their identical humanity.... The meaning of the verse "You shall love your neighbor as yourself" is not confined to Jews only, but the sense is "your neighbor who is a

acknowledges that this doctrine was much older than Jefferson, having been stated in the Torah thousands of years earlier: “From beginning to end the Bible teaches the fatherhood of God and the brotherhood of man. The story of the creation of Adam and Eve, the parents of all men, is the first lesson.” [*Henry Alonzo Myers, Are Men Equal? An Inquiry into the Meaning of American Democracy (Ithaca, NY: Cornell University Press, 1945), 35.*]

Because of the importance

of that struggle, Myers attempts to strengthen the grounds for the belief in human equality:

The lessons of history are clear enough. The doctrine of superiority has always been, even in its noblest forms, a means of dividing men, of setting one class or one people over others and against others. The proposition of equality, on the other hand, by its very nature implies the unity of men. Already a giant force in world politics, it will in time prevail over armed force—if men believe it to

7: Men and Women Are Equal

Revolutionary Truth

#7:

Women are not inferior; rather, men and women are created equal.

And God created humankind in His image, in the image of God did He create it; male and female did He create them.

Genesis 1:27

At the time of God's creating humankind, in the

of Genesis 1, who, at least according to the midrash, was indeed one flesh, male and female. Becoming one flesh is a clear indication of equality. It is interesting to note that after eating the forbidden fruit, Adam and Eve work together as partners and “sewed together fig leaves and made themselves loincloths” (Gen. 3:7).

The Portrayal of Women in Narrative Texts

Before discussing women's legal status, let us consider

“Whatever Sarah tells you, do as she says” (Gen. 21:12). The extraordinary care Abraham takes in finding an appropriate burial place for Sarah says something about her worth and the relationship between them (Genesis 23). No wonder a prophet saw fit to mention her specifically together with Abraham: “Look back to Abraham your father and to Sarah who brought you forth” (Isa. 51:2).

Rebekah is depicted as being extraordinarily kind and generous (Gen. 24:19-20). She is consulted

concerning her marriage and has to give her consent (Gen. 24:57-58). She resembles Abraham and Sarah in being willing to leave her family and journey to far-off Canaan, an indication of her independence. Although the marriage was an arranged one, we are informed that “Isaac loved her” (Gen. 24:67). The same is said of Jacob and Rachel, a true love story if ever there was one (Gen. 29:18). Rebekah’s initiative is also seen in her role in obtaining the blessing of the firstborn for Jacob

(Genesis 27). Although we may question the propriety of such a deception, she obviously is acting out of a sense of what is necessary for the future of the family and is attempting to fulfill the prophecy she heard when she was pregnant (Gen. 25:23). Rebekah is anything but a passive figure.

The stories connected with the birth of Moses continue the tradition of the matriarchs in showing women as positive factors in determining the future of Israel. Shiphrah and Puah, the Hebrew

Nor should we ignore Moses's wife, Zipporah, who takes drastic and courageous action to save the life of Moses when they ate on the way back to Egypt (Exod. 4:24-26).

In addition to Miriam, we know of another prophetess, Huldah, who lived at the time of Jeremiah and was so prominent that when a scroll was found in the Temple, it was she to whom King Josiah's men turned to verify its authenticity and sacredness (2 Kings 22:14). Perhaps there were other

women were expected to conduct themselves and how they were regarded in patriarchal societies. "Dinah ... went out to visit the daughters of the land. Shechem son of Hamor the Hivite, chief of the country, saw her, and lay with her and mistreated her" (Gen. 34:1-2). The word translated here as "mistreated" is sometimes translated as "forced." Its usual meaning, however, is to cause affliction or harm. Although the story is often taken to mean that Shechem raped her, biblical scholar Tikva

Frymer-Kensky convincingly demonstrates that is not necessarily the case. [Tikva Frymer-Kensky, "Virginity in the Bible," in *Gender and Law in the Hebrew Bible and the Ancient Near East*, ed. Victor H. Matthews, Bernard M. Levinson, and Tikva Frymer-Kensky (London: Sheffield Academic Press, 1998), 86ff.]

Dinah may have consented; her 'going out' was already an indication of her not acting in an appropriate fashion, as would become a proper

this dishonor in a dishonorable way, “Should our sister be treated like a whore?” (Gen. 34:31). A whore is not raped. To have a sister with whom other men feel free to lay as they would with a whore is a disgrace to the family, to the father and brothers who could not keep that from happening.

Two biblical books are called by the names of women who are the heroines of their stories, Ruth and Esther. Some have even speculated that they may have been written by women. *[Hillel I*

Millgram, Four Biblical Heroines and the Case for Female Authorship (Jefferson, NC: McFarland, 2008).]

Ruth, a novella set in the period of the Judges, depicts the travails of women who have no men to provide for them. The solution to the problem is to find a relative who will take on himself the task of redeeming Ruth, the widow of his kin. Ruth, a Moabite woman who decides to accompany her Israelite mother-in-law Naomi and assumes the nationality and religion of Naomi, is

the very embodiment of loyalty and loving-kindness (Ruth 2:11-12, 4:15). The irony of this story is that it has as its heroine a woman who comes from a people who were considered the enemies of Israel. Moabite women caused the disaster of the plague at Baal-peor (Num. 25:1-9), and now a Moabite woman is the ancestress of David, the king of Israel and progenitor of the Messiah. The message is that Moabite women are not to be scorned. They, too, can be accepted into Israel and can be bearers of future

leaders. The book of Ruth may also be understood as protesting Ezra's actions at the return from Babylon in demanding that foreign wives be renounced (Ezra 10).

Esther risks her life to save the Jewish people in exile when they are threatened with extermination by the evil Haman (Esther 4:16). Although Mordecai might be seen as the true hero of the story because it is he who convinces Esther of what she has to do and eventually becomes second only to King Ahasuerus

(Esther 10:3), it is Esther who continually intercedes with the king and to whom he gives authority. The book is not called Mordecai but Esther, attesting to her power and the esteem in which she is held.

Song of Songs, often thought of as a problematic book because of its frank and erotic depictions of male and female sexuality, is unique in allowing a woman full freedom and complete equality with a man in all things. She is no more or less a sex object than is her male beloved. When she says, “I am my

The Song of Songs: A Woman in Love (Jerusalem: Gefen, 2009), 166-67.]

For the only truly misogynist picture of women in the Bible, one must turn to the book of Ecclesiastes, in which the anonymous wisdom teacher called Kohelet, who masquerades as King Solomon, has little good to say about them: “Now I find woman more bitter than death; she is all traps, her hands are fetters and her heart is snares’ (Eccles. 7:26). He does manage,

(Prov. 31:10-11)

This woman, sometimes described as "a woman of valor," takes total control of her household, conducts a business, treats the poor charitably, and makes and sells cloth. "Her mouth is full of wisdom, her tongue with kindly teaching" (Prov. 31:26). "Her husband praises her" (v. 28).

It should be pointed out, on the other hand, that we are never told the names of the wives of either Cain or Noah or the daughters of

Lot. When the names of all who lived are given in 1 Chronicles 1, women are largely omitted, including the matriarchs.

Women and Worship

Miriam's leading the women in song to praise God after the salvation of Israel at the Red Sea (Exod. 15:20-21) indicates that women were expected to participate in the worship of God. Deuteronomy often goes out of its way to specifically mention women, wives, or

households to include women in participation in cultic rites and worship. Thus, they are included in rejoicing in Jerusalem (Deut. 12:12, 14:26, 15:20, 26:11) and in resting on the Sabbath (5:14). Although the laws are written as if addressed specifically to men, they include women as participants in the major rituals of Israelite worship. In Deuteronomy 31:10-12, Moses tells the people specifically that every seventh year at Sukkot, all Israel, “men, women, little children,” are to gather to listen to the Teaching being

adam, both meaning ‘person,’” are used referring to cultic acts that can be performed by either men or women. [Meyer Gruber. *The Motherhood of God and Other Studies* (Atlanta: Scholars Press, 1992), 62.]

Women as well as men played in the orchestra in the Temple in David's time (1 Chron. 25:5-6) and sang in the choir during the postexilic period (Ezra 2:65 and Neh. 7:67). [*Ibid.*, 66.]

That women did participate in worship is seen in the anecdotal stories of Hannah, who

The Legal Rights of Women

On the basis of Genesis's expression of equality, we could expect that despite minor exceptions of matters concerned directly with women's sexuality and role in procreation, there would be no distinction between men and women in their rights and their treatment under the law. Of course, that is not the case. Things are not that simple. The Torah, after all, is not a utopian book but a product of its times, and

societies. It must be stated, however, that we never can be certain if the laws of the Torah were ever really enforced, or if some of them were theoretical or polemical. This is particularly true when we see that the laws in one corpus do not always agree with those in other sections. Deuteronomy, for example, is generally considered a later book than the others, and many scholars feel that its laws had no juridical application but were more homiletical in nature. [See, for example, Harold C.

Washington, "Lest He Die in Battle and Another Man Take Her": Violence and the Construction of Gender in the Laws of Deuteronomy 20-22," in Matthews et al.. Gender and Law, 195.]

One major area of legislation is in the area of sexual relations, in which the woman's virginity is paramount. In many ancient societies, and Israel was certainly one of them, a woman's virginity was highly prized. *[Frymer-Kensky, Reading the Women, 79ff.]*

An unmarried woman

Adele Berlin, "Sex and the Single Girl in Deuteronomy 22," in Fox et al., *Mishneh Torah*, 95ff.]

Strangely enough, the evidence—the sheet with blood on it— remains in the hands of the bride's parents, whereas in other cultures it belongs to the groom. [*Frymer-Kensky, Reading the Women*, 95.]

Her parents could, should they so desire, manufacture false evidence. Thus, her fate is in their hands. Indeed, parents controlled not only daughters but also sons, as the law of the rebellious son

demonstrates (Deut. 21:18-21). All of this indicates that the purpose of this law was not so much to punish the bride as it was to protect the woman, given that under Mesopotamian law a man could simply divorce his wife by claiming lack of virginity without her having any opportunity to defend herself. [Otto, "False Weights," in Matthews et al., *Gender and the Law*, 135.]

This concern for the woman and her rights is also shown in Deuteronomy 22:28-29,

her right to protect her own needs. [*Ibid.*, 139-40.]

Similarly, the law of the captive foreign woman—in which the man who wishes to cohabit with her must give her time to lament her parents before making her a wife, with all the privileges thereof, and may not sell her if he tires of her but must emancipate her (Deut. 21:10-14)—is a far cry from the usual practice in ancient warfare, and some modern as well, of taking women at will.

Exodus 21:2, speaking of the limitation of six years of service for a person who

position on this is that they may have been discussing different cases and that Exodus may have intended to include women as well. See Jeffrey H. Tigay, The JPS Torah Commentary: Deuteronomy (Philadelphia: Jewish Publication Society, 1996), 148.]

In Exodus 21:8-11, the law provides a certain measure of protection for girls sold that way by insisting that her master cannot sell her to others nor withhold any rights from her if he marries someone else. In those

cases, she simply goes free. Nor is a man permitted to sell his wife into slavery while remaining free himself, as other societies allowed. *[Carolyn Pressler, "Wives and Daughters, Bond and Free," in Matthews et al., Gender and Law, 157-161.]*

The Decalogue, in Exodus 20:12 and again in Deuteronomy 5:16, states that mothers are to be honored along with fathers, while Leviticus 19:3 even places the mother first in the command "You shall each revere his mother and his father."

The Sotah Law

Perhaps the most controversial law concerning women is that of the *sotah*, the woman suspected of adultery when there are no witnesses to the act and no proof (Num. 5:11-31). If the woman does not confess to it but protests her innocence, she is made to undergo an ordeal, the only such instance in the Torah. She drinks "bitter waters" in which the ink from the writing of a curse has been

placed together with earth from the floor of the sanctuary. If her belly distends and her thigh sags, she is considered guilty; the consequence is that she becomes unable to bear children. If innocent, nothing happens to her and she becomes fertile. This ordeal has its parallels in the Code of Hammurabi, although there are significant differences, the main one being that in the latter, if proved guilty she is put to death. [*See Jacob Milgrom, The JPS Torah Commentary: Numbers (Philadelphia: Jewish*

In the words of Talmudic scholar Judith Hauptman, "The rabbis sharply reduced the number of instances in which a man could subject his wife to the ordeal of the bitter waters because they recognized that, by their standards, this section of the Torah treats women unfairly." *[Judith Hauptman, Rereading the Rabbis: A Woman's Voice (Boulder, CO: West view Press, 1998), 18.]*

Marriage and Divorce

and benefits upon both women and men, thereby changing marriage from chattel into a negotiated relationship.]

Divorce is even more problematic than marriage. According to the Torah, if a wife fails to please her husband in that “he finds in her something obnoxious,” he simply “writes her a bill of divorcement, hands it to her, and sends her away from his house” (Deut. 24:1). The term “obnoxious” is not defined, and commentators ancient and modern are divided as

to its meaning. The school of Shammai confined it to sexual matters (Mishnah Gittin 9:10), but in general, it has been given the much broader interpretation of “any conduct the husband finds intolerable.” [Tigay, JPS Torah Commentary: Deuteronomy, 221.]

Thus, the right of divorce is totally in his hands. We have already seen that the Rabbis protected her financially through the *ketubah's* regulations, but that does not solve the basic problem: that divorce is totally the man's

prerogative. Of course, in that society, it would be unlikely that a woman would want a divorce, because it left her basically destitute and unprotected.

In several places, the Mishnah inaugurates the idea of a forced divorce in which the Rabbinic court has the right to require the man to grant a divorce, even against his will (Mishnah *Ketubot* 7:9—10; Mishnah *Gittin* 9:8). In *Arahhin* 5:6, the Mishnah states, “We force him until he says, “I am willing!”” [See the discussion in Hauptman, *Rereading the*

decide if a divorce must be granted. Nevertheless, the problem of the *agunah*, the woman who cannot remarry because the husband will not grant a divorce, remains a vexing one in Jewish life.

The Rabbis certainly did not eradicate the patriarchal basis of Jewish law and grant women full equality, but they were aware of the problem and attempted to at least alleviate it. To quote Hauptman again, “They began to introduce numerous, significant, and occasionally bold corrective

measures to ameliorate the lot of women ... They broke new ground, granting women benefits that they never had before, even at men's expense.” [*Ibid.*, 4.]

Inheritance

The laws of inheritance seem to be an exception to the Torah's more lenient approach to women; ancient Sumerian law, for example, granted daughters equal inheritance rights, while the Torah grants them only to sons. The famous case of

the daughters of Zelophehad, who had no sons (Num. 27:1-11), is the exception. The daughters come to Moses protesting that when the land of Canaan is divided among all the tribes, their father will have no portion. God informs Moses that their plea is just, and the law is formulated so that if there is no son, the daughters will inherit the property. However, it is later stipulated that they must marry within the ancestral clan (Num. 36:5-12). Why the Torah was so far behind the laws of other

business and commerce and could be thought of as a source of wisdom. Although some laws of the Torah regarding women may be unacceptable today, in their time they generally served to protect women in a society that was far different from that which is currently acceptable. Biblical scholar Eckart Otto goes so far as to claim:

The family laws in the book of Deuteronomy had a progressive and protective attitude toward the legal status of women. They were deeply concerned

8: Human Beings Have Free Will

Revolutionary Truth
#8:

Human beings are endowed with free will and can choose their actions.

Life and death have I have set before you, blessing and curse—choose life so that you and your offspring would live.

Deuteronomy 30:19

God made man unrestrained and free,

acting voluntarily and of his own choice, to the end that, being acquainted with bad things as well as good, and acquiring conceptions of honorable and shameful conduct, and thinking clearly about right and wrong and all that has to do with virtue and vice, he may habitually choose the better and avoid the contrary.

Philo [Philo, "On the Unchangeableness of God," in The Works of Philo Judaeus, trans. from the Greek by Charles Duke Yonge (London: H. G. Bohn, 1854-90), 46-50.]

What role does fate play in our lives? How free are we to make choices, even choices that will harm us? Verdi wrote an opera titled *The Force of Destiny* (*La forza del destino*) dedicated to the concept that destiny dictates our lives, while another of his operas, *Rigoletto*, concludes with the despairing jester crying out against the curse that brought about the tragedy the protagonist laments, the death of his daughter.

Shakespeare, too, often invokes the concept of fate

dictating the lives of his characters. Could Macbeth have done other than live out the events that the witches predicted? Even Hamlet despairs, "There's a divinity that shapes our ends, rough-hew them how we may" (Act 5, Scene 2). [William Shakespeare, *Hamlet* (New Haven: Yale University Press, 1947), 159.]

Long before Shakespeare, it was taken for granted in ancient Greece that a person had no way to escape his destiny. In *Oedipus*, Sophocles's play

built on the legend of the doomed king, Oedipus's wife-mother Jocasta recounts, "It was told him [Laius] that it was fate that he should die a victim at the hands of his own son, a son to be born of Laius and me." [*Sophocles, Oedipus the King, in The Complete Greek Tragedies, vol. 2, ed. David Grene and Richard Lattimore (Chicago: University of Chicago Press, 1992), 41.*]

Oedipus himself relates how he was told by a seer that "I was fated to lie with my mother ... and I was

doomed to be a murderer of the father that begot me." [*Ibid.*, 45.]

Fleeing to avoid this, he nevertheless fulfills the prophecy. "Would not one rightly judge and say that on me these things were sent by some malignant God?" [*Ibid.*, 46.]

he asks. Oedipus is doomed from birth to kill his father and marry his mother; he has no way of escaping this terrible fate.

The idea of fate, known to the Greeks as *moira* and to the Romans later as *fatum*, is integral to ancient pagan religions. Even the gods

puts it, "Man's freedom is no freedom from conditions but rather freedom to take a stand on whatever conditions might confront him." [*Viktor Frankl, The Will to Meaning: Foundations and Applications of Logotherapy* (New York: World Publishing, 1969), 16.]

The Choice Between Good and Evil

All of the early stories of Genesis, which are clearly intended to explain the

exercise that right of choice, with well-known consequences. Human life and experience as we know it begins with the exercise of our free will.

The story of Cain and Abel is even more explicit in its message of freedom of choice. When Cain's offering to God is rejected, he is greatly distressed. God then speaks to him and says, "Why are you distressed, and why is your face fallen? Surely, if you do right, there is uplift. But if you do not do right, sin crouches at the door; its urge is toward you, yet you

ethical dilemma.

An ancient midrash based on the verse “Fear not, for God has heeded the cry of the boy where he is” (Gen. 21:17) relates that when God decides to save Ishmael from death by revealing the location of a well to his mother, Hagar, the angels ask the Holy One, “Why should you save the life of a man whose descendants will kill Your children?” God replies, “What is he now—at this moment?” They answered, “He is righteous.” God then replied, “I judge a person solely by what he is at this

The Inclination toward Evil

What, then, seems to cause humans to make the wrong choice so often? From this question emerges the idea of the *yetzer*, the human inclination or urge, sometimes called the *yetzer ha-ra*, the evil inclination (discussed in chapter 2). After the story of the flood, God pledges never to destroy all humanity again because “the inclination of a person's heart is evil from his youth” (Gen. 8:21).

*[Kaufmann,
329.]*

Religion,

Free Will and God's Omniscience

Theological speculation in Judaism—and in other religions as well—has often dwelt on the problem of free will and God's omniscience. How is it possible for God to be all-knowing yet for free will to exist? If God knows everything that will happen and knows all the choices that a person will make, there seems to be no room

of freedom of choice. The exception to this view is Jewish philosopher Hisdai Crescas (1340-1410), who denied free will to uphold God's omniscience. [*Louis Jacobs, A Jewish Theology* (London: Darton, Longman and Todd, 1973), 78-79. See also Jacob B. Agus, *The Evolution of Jewish Thought* (London: Abelard-Schuman, 1959), 224, 403ff.]

For the most part, the medieval philosophers who discussed this problem found a way of keeping both ends of the

prior to the Middle Ages, when Jewish philosophers, Saadia and Maimonides prominent among them, began to deal with Jewish belief in categories, largely borrowed from Greek philosophical speculation, that were unknown previously in Judaism. [*See George Foot Moore. Judaism (Cambridge, MA: Harvard University Press, 1946), 1:454ff.*]

Neither the Torah nor the Rabbis were ever concerned with this problem. Their concept of God was not based on the

Greek idea of perfection, to wit, that God was perfect and therefore all-knowing and that if one said God did not know what choice a person might make, God was not perfect. The God of the Torah is a living being who can even change His mind and is not depicted as knowing all things in advance. *[See a full discussion in Jacobs, A Jewish Theology, 72-80.]*

Many translators have interpreted a statement of Rabbi Akiba in *Pirkei Avot* 3:15 as if it dealt with this conundrum and have

translated it as "All is foreseen, but freedom of choice is given." The correct translation, however, is more likely "All is seen, and freedom is given." [See *Jacobs, Religion. 79-80.*]

If anything, Akiba actually emphasizes freedom of choice while stating that God beholds and is aware of everything that we do. There is no contradiction between these statements.

In a sense, the idea of free will is implied in the Torah's concept of divinity,

Press, 1953), 5:404.]

Hardening the Heart

According to the Torah, fate does not control human life, nor does God determine our actions. The one contradictory instance in the Torah is the story of the hardening of Pharaoh's heart. Beginning with the sixth plague, boils, the Torah uses the expression "YHVH stiffened the heart of Pharaoh, and he would not heed them" (Exod. 9:12). This idea is repeated in Exodus 10:1, 10:20, and

the conclusion that “all attempts to relate hardness of heart to a psychological state or derive it from a theology of divine causality miss the mark. The motif of hardening in Exodus stems from a specific interpretation of the functions of signs... which continued to fail in their purpose. Hardening was the vocabulary used by the biblical writers to describe the resistance which prevented the signs from achieving their assigned task. The motif has been consistently over-interpreted by supposing

that it arose from a profoundly theological reflection and see-ing it as a problem of free will and predestination."]

Human Responsibility

From free will, we arrive inevitably at human responsibility and the possibility of repentance and forgiveness. God's words to Cain before he commits the ultimate sin of fratricide—*v'ata timshal-bo*, "yet you can rule over it"—are the rock on which the doctrine of human

YHVH your God" (Deut. 30:2). Therefore, he says, God will "return your captivity and return and gather you from all the nations" (30:3), "for you will return to YHVH your God with all your heart and all your soul" (30:10). The full meaning of teshuvah is ultimately revealed in the speeches of the prophets and in the book of Jonah. Hosea pleads with Israel, "Return, O Israel, to YHVH your God, for you have fallen because of your sin" (14:2). Jeremiah tells them "Return, rebellious children—declares YHVH"

(3:14) and pictures them turning again to God: "Here we are, we are come to You" (3:22). The book of Jonah depicts the entire people of Nineveh heeding the word of their king: "Let everyone turn back from his evil ways and from the injustice of which he is guilty. Who knows but that God may turn and relent? He may turn back from His wrath so that we do not perish" (3:8-9).

The idea that God is forgiving was well established by the story of God's revealing His qualities of mercy to

Moses, as related in Exodus 34:6-7. Later, Rabbinic Judaism developed the entire concept of the Days of Awe, Rosh Hashanah through Yom Kippur, as a time for confessing sin, admitting guilt, and returning to God in repentance, after which we attain forgiveness and atonement. *[See Reuven Hammer, Entering the High Holy Days (Philadelphia: Jewish Publication Society, 1998), for a full discussion of these concepts.]*

The Days of Awe celebrate our free will and

the responsibility that comes with it. No wonder they became the most sacred time of the Jewish year and the most important of the holy days of Israel. They represent a basic pillar of our belief: humans have free will and freedom of choice.

The Torah begins with free will and ends with free will. It begins with the choices given first to Adam and Eve and later to Cain, to obey God's commands or not to obey. They choose not to. It ends with Moses's speeches to all the Israelites before they enter

Canaan, the main burden of which is the choice they now face to be faithful to the covenant and the commandments or not (Deut. 11:26-28, 27:11-30:20). Moses painstakingly points out the choices: between blessing and curse, between life and death. He urges the Israelites to make the right choice. He repeatedly tells them what will happen "if." He speaks to them in terms of "if you will obey" or if you will not. Moses has the Israelites go through an elaborate ceremony at Mount

Gerizim, where they hear the curses and the blessings pronounced and answer "Amen" to each. The Hebrew word *im*, "if," is constantly repeated in his exhortations because the choice is theirs. Nothing is determined. Everything is up to the Israelites. They have free will and cannot be forced to follow God. They must make the choice. Nothing is predestined.

Part III: SOCIETY

9: Human Sovereignty Is Limited

Revolutionary Truth #9:

God is the only true Sovereign. Human sovereigns are subordinate to the laws of God.

Then He became Sovereign in Jeshurun, when the heads of the people assembled, the tribes of Israel together.

Deuteronomy 33:5

And YHVH shall be

Sovereign over all the earth: on that day there shall be one YHVH with one name.

Zechariah 14:9

YHVH, enthroned on cherubim, is Sovereign, peoples tremble, the earth quakes.... Mighty Sovereign who loves justice. ..

Psalms 99:1, 99:4

Among the problems that the newly freed slaves had to deal with was the question of polity—who would lead the people now and in the future? How would they be governed?

might have been room, however, for a human being to rule as the absolute sovereign. That was the common way of the world and, indeed, continued to be so until the twentieth century, when whatever monarchies remained became limited, constitutional monarchies, with the exception of those in the Middle East. But that was not the reality envisioned by the Torah. The concept of rulership taught by Moses was that there was only one Sovereign over Israel—YHVH.

would seem that limitation of power was an important component of the new polity that emerged among the Israelites.

The Decentralization of Power

When taking the Israelites out of Egypt and preparing them for independence in their own land, Moses makes no attempt to proclaim himself the sovereign or to propose a system of government in which one man would be sovereign. The Torah

recognizes elders as a kind of supreme council as well as *n'si'im*, heads of clans and tribes (Lev. 4:22), who might come together for important decisions. [See Jacob Milgrom, *Leviticus 23-27, Anchor Bible Series* (New York: Doubleday, 1991), 247.]

The leader is Moses, a prophet directly inspired by God and chosen by God to lead the people. The decisions Moses makes, however, are not his own. They come from the Divine Sovereign with whom Moses consults on every issue. For example, when

the daughters of Zelophehad come to Moses to ask that they inherit because their father had no sons, "Moses brought their case before YHVH" and conveyed God's decision (Num. 27:5). Moses's successor, Joshua, is similarly considered to have been chosen by YHVH. Moses's children play no role. No dynasty of leadership is established. Michael Walzer points out that the description of Moses's unknown burial place— "and no one knows his burial place to this day" (Deut. 34:6) — is a

deliberate contrast to the Egyptian pharaohs, who began to plan their elaborate burial monuments the moment they assumed office. *[Michael Walzer, Exodus and Revolution (New York: Basic Books, 1985), 126.]*.

The pyramids and the magnificent tombs in the Valley of the Kings testify to the centralization of power and the absolute authority of the monarch. The absence of a tomb for Moses attests to a completely opposite approach to monarchy and

shall rule over you!" (Judg. 8:22-23). As Martin Buber characterizes it, "His No, born out of the situation, is intended to count as an unconditional No for all times and historical conditions. For it leads to an unconditional Yes, that of a kingly proclamation in *aeter- num*.... 'YHVH, who is God Himself, He it is who is to rule over you.'"

[Martin Buber, The Kingship of God (New York: Harper and Row, 1967), 59.]

Moses proposed a revolution in the form of governance, deliberately

authority are distributed In its aversion to the concentration of power and its tendency to equalize resources among the citizenry, the system of biblical law resembles democracy. [Moshe Greenberg, Studies, 54, 57.]

Israel's New Doctrine of God's Sovereignty

The idea of presenting a pagan god as a sovereign was prevalent in the ancient world, but it was always as a reflection of the

eternal Sovereign. That God is to become their Sovereign is implied in Exodus 19:6, when Israel is told that they are to be “a kingdom of priests” to YHVH. [*Buber, Kingship, 136.*]

A “kingdom” implies a king, a sovereign—in this case YHVH. Their reply—“All that YHVH has spoken we will do!” (Exod. 19:8)—is their acceptance of Gods Sovereignty, which is emphasized again in the demand of the first commandment that “You shall have no other gods

Even the pagan prophet Balaam proclaims, “YHVH their God is with them, and their Sovereign’s acclaim in their midst” (Num. 23:21). In his final blessing to Israel, Moses says, “Then He became Sovereign in Jeshurun, when the heads of the people assembled, the tribes of Israel together” (Deut. 33:5).

Even centuries later, when the Davidic dynasty was already in existence and was considered divinely ordained, the idea of God’s ultimate Sovereignty remained. In the book of Psalms, God’s

Sovereignly is often celebrated: "YHVH is Sovereign, He is robed in grandeur" (Ps. 93:1). *[See also Psalms 22:29, 95:3, 96:10, 97:1, 99:1, and 99:4.]*

Much later the prophets, envisioning apocalyptic events leading to the ultimate goal of one humanity living in peace, saw it as the time when God's Sovereignty would be recognized and proclaimed by all: "And YHVH shall be Sovereign over all the earth: on that day there shall be one YHVH with

one name" (Zech. 14:9).
"For liberators shall march
up on Mount Zion to wreak
judgment on Mount Esau,
and the Sovereignly shall
be YHVH's" (Obad. 1:21).
In later Judaism this
concept of the Sovereignty
of God was made the
subject of the well-known
Aleinu prayer that
concludes every worship
service: "You will perfect
the world by Your
Sovereignty."

According to
Deuteronomy, in one of his
orations to the nation
before it is to enter Canaan,
Moses says:

time.]

In all likelihood, by the time Deuteronomy was composed both Judah and Israel had long-established monarchies that ruled. .

[See Jeffrey H. Tigay, The JPS Torah Commentary; Deuteronomy (Philadelphia: Jewish Publication Society, 1996), xxiiff.]

The wording of this pericope echoes and was undoubtedly influenced by the tradition recorded in 1

Samuel 8, in which the elders of Israel come to the elderly Samuel to complain that his sons, whom he had appointed in his place, were not worthy "Therefore appoint a sovereign for us, to govern us *like all the nations*' (1 Sam. 8:5). *[Italics mine.]*

The story has an aura of truth. It must have been an embarrassment to the sovereigns of Israel because it speaks so negatively about sovereigns and what they will do and because God considers this request to be a rejection

human history. They nevertheless insist on a sovereign because they want to "be like all the other nations: Let our sovereign rule over us and go out at our head and fight our battles" (1 Sam. 8:20). Samuel then receives final permission from God to appoint a sovereign. The very fact that Samuel does not seem to know that Deuteronomy had already given the green light to the appointment of a sovereign is proof enough that such a law was not known at that time.

Unlike Samuel, who

warns the people against a sovereign, realistically listing what a sovereign would do, Deuteronomy takes a softer approach. It gives permission in advance, although not recommending it, but then sets certain conditions and limitations on the powers of the sovereign. Deuteronomy grudgingly accepts the reality of a monarchy but wants to make certain that its authority is limited. The sovereign is not allowed to have large numbers of horses or to send people back to Egypt to attain

them. He is not to have many wives. He is not to amass silver and gold (Deut. 17:16-17). All of these limitations sound suspiciously as if they were aimed at the notorious actions of Solomon, as described in 1 Kings 11:9: "YHVH was angry with Solomon, because his heart turned away from YHVH, the God of Israel, who had appeared to him twice and had commanded him about this matter, not to follow other gods; he did not obey what YHVH had commanded."

Limitations of Human Sovereignty

The sovereign of Israel was by no means absolute and resembled the kind of constitutional monarchy that became common much later in the Western world.

These limitations were “unparalleled in antiquity,” according to Moshe Greenberg. [*Greenberg, Studies, 54.*]

As if to emphasize them, the sovereign is required to have with him at all times a scroll of God's word written

officers do. We have no idea what the duties and the rights of the sovereign are, only the prohibitions. At the most, Deuteronomy offers a halfhearted endorsement of the monarchy, behind which is hidden the feeling that this is at best unnecessary and at worst harmful. [In his seminal work on Deuteronomy, Moshe Weinfeld takes a different point of view. He believes that the Deuteronomist has a positive attitude toward the monarchy and that his restrictions were directed at Solomon's excesses.

the original concept of the Torah: the Sovereign of Israel is God and God alone.

The monarchy came into being in the tenth century BCE as a response to the dangerous situation that existed, the threat of the powerful Philistine cities to conquer the Israelites and their land. The people felt, and perhaps with a measure of justification, that they needed a reliable system of leadership, with no gaps in between rulers. They saw the system of monarchy in the surrounding nations as an

example of the structure that they required. They did not see it, as did both God and Samuel, as a rejection of God's sovereignty. Seeking to have both a human sovereign and a Divine Sovereign, the Israelites developed the doctrine that the house of David was itself chosen by God and therefore legitimate. Generations later, when the Davidic dynasty no longer ruled, they envisioned it as the source of the Messiah, the anointed sovereign, who would lead the Jews back

to sovereignty and the whole world to an unprecedented time of peace.

The Accumulation of Power

The establishment of a human monarchy had all the negative consequences that Samuel had envisioned and more. Perhaps it was inevitable; a monarchy by its very nature requires a concentration of power and of wealth. It establishes a bureaucracy of officials,

institutions of religion into instruments of royal policy." [*Greenberg, Studies, 59.*].

The limitations that Deuteronomy sought to place on the sovereign may not have eliminated all the problems of a human monarchy, but they did have the effect of making the sovereign subordinate to God and to God's teaching, at least in theory if not always in practice. These limitations also gave unprecedented rights to those who spoke in the name of God to criticize and chastise the sovereign

prince knows that these actions will have dire consequences. This seems very different from direct confrontation between a prophet and a monarch over the monarch's immoral action.]

— it is difficult to imagine another nation in which one could with impunity stand up to the sovereign with an accusing finger and say, “That man is you!” as Nathan does to David (2 Sam. 12:7), to which the sovereign replies, “I stand guilty before YHVH!” (2 Sam.

12:13).

That this tradition was a reality in ancient Israel can be seen in the story of Elijah and King Ahab, where Elijah proclaims Ahab's guilt and his death in the matter of Naboth's vineyard (1 Kings 21:17-24). Like David, Ahab reacts by doing penance for what he has done (1 Kings 21:27). The classical prophets Amos and Jeremiah are similarly courageous in both their criticism of the entire society and their predictions of doom and destruction, although they

do not specifically single out the sovereign. The priest of the temple at Bethel calls on King Jeroboam to punish Amos, accusing the prophet of treason (Amos 7:10-11). Jeroboam's reaction is not recorded, but Amaziah banishes Amos and forbids him from prophesying at Bethel (Amos 7:12). At least Amos is not executed, which is a tribute to the freedom of speech accorded prophets, even if in this instance it may have been curtailed.

Some two centuries later, Jeremiah follows Amos's

pattern and predicts the destruction of both Jerusalem and the Kingdom of Judah, and the exile of the people. He declares that the Temple has been turned into a "den of thieves" (Jer. 7:11). Nothing is done to stop him from speaking in God's name. Later, King Jehoiakim attempts to have Jeremiah imprisoned but does not succeed (Jer. 36:26). Toward the end of the siege of Jerusalem, King Zedekiah imprisons Jeremiah in the palace compound but does not dare to execute him. The

13: The Needy Must Be Cared For

Revolutionary Truth #13:

Concern for the weaker elements of society, the impoverished, the needy, the widow, the orphan, and the stranger.

For YHVH your God ... shows no favor and takes no bribe, but upholds the cause of the fatherless and the widow, and befriends the stranger, providing him with food and clothing. You

too must befriend the stranger, for you were strangers in the land of Egypt.

Deuteronomy 10:17-19

Ah, you who trample the heads of the poor into the dust of the ground, And make the humble walk a twisted course!

Amos 2:7

What is the responsibility of a society toward its neediest members, toward those who are poverty stricken or cannot care for themselves?

The Torah's answer is

equals, a society without class divisions in which even the neediest is termed "your brother," your kinsman. Moses, the leader of this group of former slaves, has a remarkable vision of a society in which the needs of all will be met and in which each individual will feel responsibility toward others. This is made crystal clear in Leviticus in a command addressed to each Israelite individually in the singular: "If your brother, being in straits, comes under your authority, and you hold

him as though a resident alien, let him live with you. Do not exact from him advance or accrued interest, but fear your God and let your brother live with you" (Lev. 25:35-36). The following section (25:39IT.), dealing with one who has to sell himself into indentured servitude because of poverty, begins the same way: "If your brother, being in straits...Three times the term "your brother" is repeated. Each Israelite is "your brother," your kin, even when not related specifically to your family.

For the sensitive reader, the use of that term cannot help but recall the story of Cain and Abel, where Cain replies to God's cry, "Where is your brother Abel?" with the words, "Am I my brother's keeper?" (Gen. 4:9). The answer, unequivocally, is "Yes!" Whatever you would feel obligated to do for your brother or your sister, you must do for any member of the nation. The Torah strives to create a society of equals, of brothers and sisters, a revolutionary idea unknown elsewhere in the ancient Near East.

they had no land. Therefore, as we have seen, they were granted tithes to enable them to live, but the laws gave them no other special privileges, and there was no intention of creating in them a class of nobility or an attempt at making them wealthy at the expense of others. Contrast this to the way in which Joseph saw to it that Pharaoh owned all the land in Egypt and received one-fifth of all the harvests. Only the Egyptian priests continued to hold their own land (Gen. 47:22-26). There were no nobles and,

as we have seen earlier, no slaves among the Israelites, only indentured servitude.

In translating the famous Babylonian Code of Hammurabi (1728-1686 BCE), Theophile J. Meek constantly translates the word *owelum* as "seignior" — "If a seignior...." He explains that the word literally means "man" but in the legal literature "sometimes indicates a man of the higher class, a noble." Therefore, he uses the term seignior from Italian and Spanish, where it indicates "a free man of standing, and not in the

is found in the very next chapter: “You shall not oppress a stranger, for you know the feelings of the stranger, having yourselves been strangers in the land of Egypt” (Exod. 23:9).

The ger—the resident alien—benefits from the regulations of the community, sharing, for example, in the gleanings left for the poor (Lev. 19:10, 23:22). Deuteronomy also classifies the ger together with other defenseless members of society, the fatherless, and the widow, who are entitled to receive

the tithe of the third and sixth year of each cycle (Deut. 14:29).

In general, the Torah classifies the stranger, that is, the resident alien, together with those who are needy, as in Deuteronomy 24:14-15: "You shall not abuse a needy and destitute laborer, whether a fellow countryman or a stranger.... You must pay him his wages on the same day, before the sun sets, for he is needy and urgently depends on it; else he will cry to YHVH against you and you will incur guilt."

YHWH will hear the cry of the stranger equally with that of the Israelite. There is also the possibility that the stranger may prosper, even to the extent of being able to purchase a native Israelite as an indentured servant (Lev 25:47).

The Holiness Code in Leviticus equates the stranger to the native: “When a stranger resides with you in your land, you shall not wrong him. The stranger who resides with you shall be to you as one of your citizens; you shall love him as yourself, for you were strangers in the

land of Egypt: I YHVH am your God" (Lev. 19:33-34).

Leviticus, which commands us to love our fellow, makes a special provision for the stranger—who is really not our fellow. He is "the other." The "stranger" in the Torah is someone who lives in the land as a resident, not merely someone passing through. As an alien, not a citizen, his rights were not always identical with the native Israelite. Abraham identifies himself as being such a stranger when he attempts to buy a burial place for Sarah: "I am a

resident alien among you; sell me a burial site among you,” says Abraham (Gen. 23:4). As a resident alien, a *ger v'toshuv*, he has no right to purchase land. Therefore, he must implore the Hittites to make an exception for him.

Leviticus also bestows on the stranger and the poor, connecting two of the downtrodden groups, the rights to portions of the harvest. In an agricultural society, such rights were the difference between life and starvation. These laws are found first in Leviticus 19:9-10 and then repeated

in 23:22. Four different products are to be left for the poor and the stranger: *pe'ah*—the comers of the grain field; *lekel*—the gleanings that fall to the ground when the grain is harvested; *olelot*—grape clusters not fully grown; and *peret*—fruit that falls to the ground. “You shall leave them for the poor and the stranger: I YHVH am your God” (Lev. 19:10, 23:22). The book of Ruth describes exactly this situation. Ruth, who is destitute and helping to provide for her mother-in-law, Naomi, goes into the

fields of the wealthy Boaz to glean in the field behind the reapers (Ruth 2:3). The result is well known.

These laws concerning the harvest are repeated again in Deuteronomy 24:19-22. Here, too, these portions belong "to the stranger, the fatherless, and the widow" because we were slaves "in the land of Egypt." Later, Rabbinic law delineated exactly how much should be left for them and considered it a most important commandment that everyone should be anxious to fulfill.

When the theme of the stranger is taken up by Deuteronomy, it requires the judicial system to protect the rights of the stranger and "decide justly between any man and a fellow Israelite or a stranger" (Deut. 1:16). "For YHVH your God ... upholds the cause of the fatherless and the widow, and befriends the stranger, providing him with food and clothing. You too must befriend the stranger, for you were strangers in the land of Egypt" (Deut. 10:17-19).

As Sama points out,

“Because [the stranger] could not fall back upon local family and clan ties, he lacked the social and legal protection that these ordinarily afforded. Being dependent on the goodwill of others, he could easily fall victim to discrimination and exploitation.” They were easy victims of economic exploitation, the deprivation of property, or denial of legal rights. Therefore, the Torah provides for their protection.

Tigay, noting the many times this idea is expressed

in the Torah, states, "Concern for the protection of strangers was not nearly so common elsewhere in the ancient Near East. The only passages I have noted are in the Egyptian wisdom text Amenemopel, chap. 28."

The Torah prohibits the stranger from doing things that would render the land unclean, including the worship of idols. It permits him to participate in some acts of worship of YHVH if he so desires but does not require him to do so. Above all, it protects him and helps him when needy." As

mentioned above, the Torah itself ascribes this sensitivity to the alien to the fact that the Israelites themselves had been aliens in Egypt and therefore know from bitter experience what it means to be a stranger: "When a stranger resides with you in your land, you shall not wrong him. The stranger who resides with you shall be to you as one of your citizens; you shall love him as yourself, for you were strangers in the land of Egypt: I YHVH am your God" (Lev. 19:33-34). This remarkable passage goes

beyond law in requiring the Israelite to refrain from any wrong, that is, economic exploitation, to the stranger, by also demanding that just as you must act lovingly to your fellow (Lev. 19:18), so you must act lovingly to the stranger—both because you have experienced exactly the opposite in Egypt and because God commands it. The experience of Egypt served to sensitize Israelites to the plight of the stranger and taught them not to treat the stranger as they had been treated. But the ideological

basis that made this possible was the teaching embodied in the story of creation—that all human beings are brothers, the children of one human father and mother as well as the children of one God.

Israel's Humble Origins

These vulnerable groups—the stranger, the widow, the orphan, the poor—are all under God's special protection. The reasons for their care were also summed up in these verses as well as elsewhere: the

oppressed us; they imposed heavy labor upon us.

We cried to YHVH, the God of our fathers, and YHVH heard our plea and saw our plight, our misery, and our oppression. YHVH freed us from Egypt by a mighty hand.

(Deut. 26:5-8)

These verses later were incorporated into the Passover Haggadah as well. This experience of misery and oppression as strangers in a strange land form the very basis for sensitive treatment of

strangers and those in need. Israel's ethical treatment of others is a direct result of its own suffering.

In matters of justice, Exodus similarly warns Israel, "Do not subvert the rights of your needy in their disputes" (Exod. 23:6). The Torah also emphasizes that God heeds the cry of the widow and the orphan as well as the cry of the poor; God is compassionate and has no tolerance for injustice. In the words of Nahum Sama, "Social evil is thus a sin against humanity and

God."

As the philosopher of post-Holocaust Judaism Emil Fackenheim writes, "But who except Jews (and following them, Christians) has ever heard of a God loving widows and orphans? A God (or gods) loving heroes, sages, and martyrs one has heard of. All these, however—the martyrs included—are winners. Widows and orphans, in contrast, are losers ... the stranger is the third in the trinity of losers, beloved of the God of Israel."

In Deuteronomy,

beginning with chapter 19, Moses presents the people of Israel with a lengthy series of laws that they are to follow when they enter the Land of Canaan. Some reiterate laws previously stated; some are new. Several concern proper treatment of the needy and are phrased with more than simple legal terminology. Rather, they demonstrate a deep and passionate concern for the underprivileged in society. Because Deuteronomy is generally considered to be a work that was basically edited during the latter

days of the kingdom, in the seventh century BCE or even later, when society had become much more complex and polarized into haves and have-nots, the rhetoric of the book very likely reflects this prophetic concern.

The Prohibition Against Taking Interest

The Torah makes a differentiation concerning foreigners in regard to taking interest on loans. Taking interest from "your brother" is prohibited in

therefore does not benefit from the general financial and welfare regulations of the Israelite way of life. Ezekiel, in proposing laws for the postexilic community, seems to have condemned taking interest from anyone (Ezek. 18:8, 18:13, 18:17).

The prohibition against taking interest first found in Exodus 22:24 is repeated in Deuteronomy 23:20, "You shall not require interest from loans to your countrymen." The rule concludes, "so that YHVH may bless you in all your undertakings in the

land that you are about to enter and possess" (Deut. 23:21). Though it may seem difficult to lend money and not receive anything back except the original sum, God will compensate you for that by giving you a great blessing.

Although Greek philosophers opposed interest and in early Rome it was sometimes forbidden, this complete prohibition against taking interest "whether in money or food or anything else that can be deducted as interest" (Deut. 23:20) is unique to the Torah.

Mesopotamian law specifies interest with rates as high as 33 percent. Taking a pledge was permitted; however, even there sensitivity was to be shown: "If he is a needy man, you shall not go to sleep in his pledge; you must return the pledge to him at sundown, that he may sleep in his cloth and bless you" (Deut. 24:12—13). Again, a blessing will come to those who treat the needy well. That taking a garment actually occurred is seen in the references to it in Proverbs 20:16 and 27:13 and in Job 22:6, as

well as in the prophet Amos's denunciation of the activity: "They recline by every altar in garments taken in pledge" (2:8).

The prohibition against taking interest was suitable for an agricultural society, but less so for one that reflected the commerce of an urban society. Nevertheless, Deuteronomy makes no concessions on this matter, something that later Jewish law had to take into account.

Deuteronomy repeats a labor regulation appearing in Leviticus 19:13 that

requires payment of wages on the very same day that the work takes place and adds that it must be done before sunset, applying it specifically to "a needy and destitute laborer." In this regulation, as in many others on similar subjects in Deuteronomy, God's passionate concern for the underprivileged breaks out of the legal formulation in startling force: "You shall not abuse a needy and destitute laborer, whether a fellow countryman or a stranger in one of the communities of your land ... for he is needy and

urgently depends on it; else he will cry to YHVH against you and you will incur guilt!" (Deut. 24:14-15).

Deuteronomy requires the judicial system to protect the rights of the stranger. Moses relates that when he appointed heads for the groups of Israelites in the desert, he specifically commanded them to "decide justly between any man and a fellow Israelite or a stranger" (Deut. 1:16).

Deuteronomy 24:17 teaches, "You shall not subvert the rights of the stranger or the fatherless; you shall not take a

have, and the stranger, the fatherless, and the widow," who will then "come and eat their fill, so that YHVH your God may bless you in all the enterprises you undertake" (Deut. 14:29). This command is repeated in Deuteronomy 26:12, together with a declaration that the giver is to make a declaration "before YHVH your God," probably meaning at the Temple in Jerusalem, although the tithe itself will already have been offered at his hometown. The declaration attests that he has followed all the commandments and

has given the tithe “to the Levite, the stranger, the fatherless, and the widow, just as You commanded me” (Deut. 26:13). As discussed in chapter 11, these tithes were a kind of tax paid by each landowning farmer for the welfare of those in need, those without their own land. In addition to receiving these tithes, the needy were specifically granted the right to eat produce that grew freely during the seventh year, the sabbatical year (Exod. 23:10-11).

Deuteronomy also warns

Israel not to refrain from lending money to the needy when the seventh year is near, given that in the seventh year all debts were forgiven. In an exhortation that cannot be legally enforced but appeals to the conscience of each person, Moses says to the Israelites, “Do not harden your heart and shut your hand against your needy kinsman. Rather, you must open your hand and lend him sufficient for whatever he needs. .. Give to him readily and have no regrets when you do so, for in return YHVH your God will

bless you.... For there will never cease to be needy ones in your land, which is why I command you: open your hand to the poor and needy kinsman in your land” (Deut. 15:7-11).

Concern for the Needy in Biblical Books

The Torah's profound concern for the needy—those Victor Hugo called *les misérables*—made an indelible impact on Israelite society and was echoed repeatedly in later books of the Bible as well.

hounded to death the poor and needy man, one crushed in spirit” (Ps. 109:16). Similarly, in Psalm 82:3-4 we read, "Judge the wretched and the orphan, vindicate the lowly and the poor, rescue the wretched and the needy; save them from the hand of the wicked." Of particular significance is Psalm 94, in which the psalmist, sounding more like a prophet than a poet, addresses God directly, asking how long God will suffer the wicked to flaunt their arrogant ways (vv. 1-4). “They crush Your

people, O YHVH, they afflict Your very own; they kill the widow and the stranger; they murder the fatherless' (w. 5-6). The widow, the orphan, and the stranger are once again singled out as those needing God's protection; here, however, the enemy is not some foreign nation but the wicked within the community of Israel itself! The psalm concludes with an assertion of faith that "YHVH our God will annihilate them" (v. 23).

Another book of wisdom literature. Proverbs, reiterates these same

themes, repeating the Torah's assertion that God takes a special interest in the needy and will defend them against their oppressors: "Do not rob the wretched because he is wretched; do not crush the poor man in the gate; for YHVH will take up their cause and despoil those who despoil them of life (Prov. 22:22-23). Similarly, in Proverbs 23:10-11, we are warned, "Do not encroach upon the field of orphans, for they have a mighty Kinsman, and He will surely take up their cause with you."

Did the people of Israel and the aristocracy of the monarchy and the wealthy that arose in the kingdoms of Israel and Judah from the time of David onward observe the Torah's laws and adjurations to protect the needy and weak in their societies? Did the rise of a more urbanized and sophisticated society also bring with it the disintegration of the morality that Moses had taught, the dream of a classless society in which the care of the needy was a central pillar of its morality? It would seem so.

into your home; when you see the naked, to clothe them, and not to ignore your own flesh" (Isa. 58:5-7).

Jeremiah, living at the time of the Babylonian conquest, denounced Judean society as a whole for lack of justice. The people will be saved only "if you execute justice between one man and another; if you do not oppress the stranger, the orphan, and the widow; if you do not shed the blood of the innocent in this place; if you do not follow other gods' (Jer. 7:5-6).

Miserables. No one would spend years in a debtors' prison for nonpayment of debt, as Charles Dickens described in his work of social protest. *Little Dorrit*.

In the Middle Ages, Maimonides, or Rambam, taught that there are eight degrees of charity. They range from one who gives grudgingly to one who "assists a poor Jew by providing him with a gift or loan or by accepting him into a business partnership or by helping him find employment—in a word, by putting him where he can dispense with other

people's aid."

In their book about life in the European shtetl—the Eastern European little town that existed until the Holocaust—

anthropologists Mark Zborowski and Elizabeth Herzog describe the way in which charity played a major role:

Life in the shtetl begins and ends with tsdokeh [charity]. When a child is born, the father pledges a certain amount of money for distribution to the poor. At a funeral the mourners distribute coins to the beggars who swarm the

boxes.... Children are trained to the habit of giving.... The “social justice” of the shtetl is not wholly voluntary and not wholly individual... it is firmly woven into the organization of the community.

In one of Moses’s discourses mentioned above (Deut. 15:4-11), there is the strange anomaly of his beginning with the assertion that “there shall be no needy among you” because YHVH will bless the Israelites in their land *if*—and what a big “if” it is—they will follow God’s

#AFTERWORD

The Legacy of Moses

Moses emerged from a world of great sophistication; a world rich in artistic achievements, in architecture, literature, and statecraft; a world filled with highly developed religious beliefs and elaborate rites of worship. He also inherited from his Mesopotamian ancestors an appreciation of simplicity, a disdain for cruelty, a love of righteousness and mercy, a

dedication to "the God of our fathers," and a rejection of the world of myth. In the conflict between these two worldviews, we can see the raw material from which Moses created his new understanding of the world.

Although brought up in an Egyptian environment as a free man, perhaps even enjoying the privileges and education of the nobility, he was always aware of his brothers, the Hebrew slaves, and of their suffering. He endangered himself on their behalf and

had to flee for his life. He returned to Egypt because of an overwhelming conviction that he had been chosen to be their liberator against all odds. When he succeeded, he found himself in the position of being the leader of a loose confederation of clans bound together by common memories and traditions, but lacking the laws and institutions needed for peoplehood or nationhood. His task became to create the foundations for their continued existence. The choices that he made—under divine guidance, if

of God, and of morality, and translated these concepts into rules of conduct that were later expanded and expounded by others to meet the needs of the time. These concepts came to him as flashes of inspiration, as revelations from a divine power, YHVH, the source of all being.

To a large extent, these fundamental beliefs stood in stark opposition to the accepted truths of the ancient civilizations of Egypt and Mesopotamia and must have been difficult for many in his

group to accept. These beliefs concern a new understanding of God—above nature and all forces, interacting in human history to bring about freedom and justice—of the proper worship of God, and of the demands and concerns of God. They teach a new conception of the value and purpose of human life, of the unity of humankind, and of the equality of men and women. They include the creation of a society in which there is equity in ownership of land and of wealth, a society in which

rich and poor are treated equally by the law, a society free of class distinctions in which there is great care for those who are powerless. They envision a nation in which no human being has ultimate power, for rulership is invested in God alone and even the most powerful person is subject to the laws of God's morality. The concepts taught by Moses did away with magic, myth, and superstition. They invested all humans with the right to know and understand the desires of God. They taught that humans should

became indentured servitude. Non-Israelite slavery continued, however, although in a modified and more humane form.

3. Women's equality: In matters of marriage, divorce, and inheritance, women did have not equal rights. This reflected the social reality of the time, in which women were dependent on men for protection and for a livelihood.

In all three areas, attempts to correct these problems have been made through

Rabbinic interpretation of the Torah as well as Rabbinic innovation, but more remains to be done. Doing so would mean following the ideals of the Torah to their logical conclusion. God does not need or desire sacrifice. Human beings have the absolute right to freedom. Women are the equal of men and must not be subject to rules that deny them these rights.

To summarize, the absolute truths that formed the basis for Moses's teachings can be grouped into three categories: God, humanity,

to feel closer to the Divine. Organized worship can be conducted by people who have no divine powers. They merely represent God to the people and the people to God, teaching the people God's ways and blessing them in God's name.

Humanity

Human beings were created by God in the image of God. Therefore, human life is of infinite value and is inviolate. All human beings, men and

women, rich and poor, free and slave, from whatever nation and of whatever race and color, are equal. Freedom is the rightful human condition. Slavery is evil, and everything must be done to alleviate and eliminate it.

Society

Society should be organized in such a way that the disparity between rich and poor is reduced as much as possible. The land itself and its resources belong not to individuals

but to God and must be shared by all. No one should be allowed to fall into debt and irreversible poverty. Those who are powerless must be protected by the rules of society. Power must be shared and not concentrated in any one individual. All human beings have the right to a day of rest.

These are the self-evident, revolutionary truths that Moses taught. He was a religious reformer and a social reformer. We often picture him breaking the tablets of the Decalogue as

the words of Proverbs 4:2:
“For I have given you good
teaching, do not abandon
my instruction.”

Notes

Introduction: *Torat
Moshe—The Teaching of
Moses*

1. Solomon Schechier,
Studies in *Judaism* (New
York: Meridian Books,
1958), 17.
2. Jeffrey H. Tigay, *The
JPS Torah Commentary:
Deuteronomy*
(Philadelphia: Jewish
Publication Society,
1996), xxvi.

3. Reuven Hammer, *Entering Torah* (Jerusalem: Geffen Press, 2008), 7.

1. God Is Unique

1. This is translated in the New Jewish Publication Society (NJPS) version as “When God began to create the heavens and the earth.” and by Everett Fox as “At the beginning of God's creating.”

2. The second story of creation introduces God in a similar fashion: “Such is the story of heaven and earth when they were created. When YHVH God made heaven

and earth” (Gen. 2:4).

3. By “mythology” we do not mean any story that is not factual, but stories about the lives of the gods.

4. Yehezkel Kaufmann, *The Religion of Israel*, trans. and abridged by Moshe Greenberg (Chicago: University of Chicago Press, 1960), 17.

5. Other possibilities are “I am who I am” and “I will be what I will be.” See NJPS.

6. Moshe Greenberg, *Understanding Exodus* (New York: Behrman House, 1969), 83.

7. Martin Buber, *Moses* (New York: Harper Torchbooks, 1958), 52ff.
8. James B. Pritchard, ed.. *The Ancient Near East: An Anthology of Text and Pictures* (Princeton, NJ: Princeton University Press, 1958), 1:31ff.; Nahum M. Sarna, *Understanding Genesis* (New York: Jewish Theological Seminary of America, 1966), 9ff.
9. Yochanan Muffs, *The Personhood of God* (Woodstock, VT: Jewish Lights Publishing, 2005), 9-10.
10. "The Bible nowhere

the religion of Israel this means not gods but angelic beings.

12. E. A. Speiser, *Genesis*, Anchor Bible Series (Garden City, NY: Doubleday and Company, 1964), xlviii.

13. Buber, *Moses*, 52IT.

14. See Kaufmann, *Religion*, 226. Pharaoh Akhenaton also considered himself a god, so it is not certain that this was even monism. In any case, it was the worship of a part of nature and as such was as pagan as any other religious belief.

23. See MufTs, Personhood, 1-4, 55-60.

24. Jeffrey H. Tigay, *The JPS Torah Commentary: Deuteronomy* (Philadelphia: Jewish Publication Society, 1996), 438ff.

25. Greenberg, *Understanding Exodus*, 133.

26. The Torah does not make this demand, although the story of the Exodus seems to imply it. Deuteronomy 4:19 even states that God created the heavenly bodies for other nations to worship, although forbidding it to

1962), 16.]

18.[Kaufmann, *Religion*,
328-29.]

19.[Sifra, Kedoshim 4.]

4. Worship Is for the
Benefit of Humans

1. Translation suggested
by Jeffrey H. Tigay, *The
JPS Torah Commentary:
Deuteronomy*
(Philadelphia: Jewish
Publication Society,
1996), 65.

2. Ibid., 48.

3. Jeroboam says of the
calf the same thing the
people said of Aaron's
calf: "This is your god, O
Israel, who brought you
up from the land of

Egypt!"

4. See also Numbers 11:16,

5. A few exceptions exist, such as Judges 20:27 and 1 Samuel 3.

6. Yehezkel Kaufmann, *The Religion of Israel*, trans. and abridged by Moshe Greenberg (Chicago: University of Chicago Press, 1960), 238.

7. See *ibid.*, 110(t

8. James B. Pritchard, ed., *Ancient Near Eastern Texts Relating to the Old Testament* (Princeton, NJ: Princeton University Press, 1955), 95.

9. Kaufmann, *Religion*,

9. [Tikva Frymer-Kensky, "Virginitv in the Bible," in *Gender and Law in the Hebrew Bible and the Ancient Near East*, ed. Victor H. Matthews, Bernard M. Levinson, and Tikva Frymer-Kensky (London: Sheffield Academic Press, 1998), 86ff.]

10. For a thorough discussion that concludes Dinah did not consent, see S. David Sperling, "Dinah, 'Innah. and Related Matters.' in *Mishneh Torah*. ed. Nili S. Fox, David A. Glatt-Gilad, and Michael J.

Matthews et al.. Gender and Law, 195.]

20. *[Frymer-Kensky, Reading the Women, 79ff.]*

21. *[Ibid., 84.]*

22. *[Victor H. Matthews, "Honor and Shame in Gender-Related Legal Situations in the Hebrew Bible," in Matthews et al.. Gender and Law, 108.]*

23. *[See Adele Berlin, "Sex and the Single Girl in Deuteronomy 22," in Fox et al., Mishneh Torah, 95ff.]*

24. *[Frymer-Kensky, Reading the Women, 95.]*

79.]

20. [Louis Jacobs, *A Jewish Theology* (London: Darton, Longman and Todd, 1973), 78-79. See also Jacob B. Agus, *The Evolution of Jewish Thought* (London: Abelard-Schuman, 1959), 224, 403ff.]

21. [See George Foot Moore, *Judaism* (Cambridge, MA: Harvard University Press, 1946), 1:454ff.]

22. [See a full discussion in Jacobs, *A Jewish Theology*, 72-80.]

23. [See Jacobs, *Religion*.

4. [Moshe Greenberg, *Studies in the Bible and Jewish Thought* (Philadelphia: Jewish Publication Society, 1995), 54.]

5. [Martin Buber, *The Kingship of God* (New York: Harper and Row, 1967), 59.]

6. [Moshe Greenberg, *Studies*, 54, 57.]

7. [See Moshe Weinfeld, *Deuteronomy and the Deuteronomic School* (Oxford: Clarendon Press, 1972), 82.]

8. [See Judah Goldin, *The Song at the Sea* (Philadelphia: Jewish

discussion of this issue in *The Kingship of God*, 40ff. The fact remains that other than in Deuteronomy, there are no laws indicating sovereigns are to be appointed at any time.]

13.[See Jeffrey H. Tigay, *The JPS Torah Commentary; Deuteronomy* (Philadelphia: Jewish Publication Society, 1996), xxiiff.]

14.[*Italics mine.*]

15.[Greenberg, *Studies*, 54.]

16.[In his seminal work on Deuteronomy, Moshe

341.]

5. [Josephus, 2.119, 1
Laws 156.]

6. [The relationship
between the priests and
the Levites and the
historical development of
the Levites are
complicated and difficult
to ascertain. For a full
treatment of the various
views of the problem, see
Yehezkel Kaufmann, *The
Religion of Israel*, trans.
and abridged by Moshe
Greenberg (Chicago:
University of Chicago
Press, 1960), 193-200.
Kaufmann's own view is
that the Aaronides "are

involving a priest in a lifesaving measure. Even there, it is basically an act of “expiation” similar to that made on behalf of the sins of the people on Yom Kippur.

17. See also 2 Chronicles 19:8-11.

18. Jeffrey H. Tigay, *The JPS Torah Commentary: Deuteronomy* (Philadelphia: Jewish Publication Society, 1996), 325.

19. See Milgrom's discussion of the blessing in *JPS Torah Commentary: Numbers*, 360ff.

20. This is stated in the Mishnah at the beginning of the tractate *Pirkei Avot*: “Moses received Torah from [God] at Sinai and transmitted it to Joshua, Joshua to the elders, the elders to the prophets, and the prophets transmitted it to the members of the Great Assembly” (*Pirkei Avot* 1:1).

21. The exception to this was women, who did not receive rabbinic authority until modern times, and then only in certain circles.

11. Land and Wealth Are to

Be Distributed Equally

1. Baruch A. Levine. *The JPS Torah Commentary: Leviticus* (Philadelphia: Jewish Publication Society. 1989), 169. Levine argues that these regulations in Leviticus are later than those in Exodus or Deuteronomy and reflect the situation in Judea after the return from the Babylonian exile (2701L). Another outstanding scholar, Jeffrey Ttgay, seems to take a different approach and states that the Leviticus regulations are incompatible with those

of Exodus but that "it is not clear if this system is derived from a geographical or chronological background different from that of Exodus 21 and Deuteronomy, or if it simply reflects the approach of another school of thought" (*The JPS Torah Commentary: Deuteronomy* [Philadelphia: Jewish Publication Society, 1996], 476). Regardless of when it was formulated exactly, a matter of dispute among scholars, my contention is that the

basic regulations concerning land were the early work of Moses and those who interpreted his ideas when the settlement took place.

2. Moshe Greenberg, *Studies in the Bible and Jewish Thought* (Philadelphia: Jewish Publication Society, 1995), 54.
3. Levine, JPS Torah *Commentary*: Leviticus, 272.
4. Jacob Milgrom, *Leviticus 23-27*, Anchor Bible Series (New York: Doubleday, 2001), 2154, 2160.

of the sabbatical year is mentioned by Josephus in Antiquities 11:338 and 14:202 and in the apocryphal book 1 Maccabees 6:49, 53-54.

19. See Tigay, *JPS Torah Commentary: Deuteronomy*, 145; and Milgrom, *Leviticus* 23-27, 2167.

20. See 2 Kings 12:5-17, 22:2-3; 2 Chronicles 25:5-14, 34:8-14; and Nehemiah 10:33-34.

21. See Yehezkel Kaufmann. *The Religion of Israel*, trans. and abridged by Moshe Greenberg (Chicago:

University of Chicago Press, 1960), 187-193, on the various laws of tithing.

22. See Tigay, *JPS Torah Commentary: Deuteronomy*, 142-144.

23. See Kaufmann, *Religion*, 192-93.

24. Soss, "Old Testament Law," 343.

25. See Milgrom, *Leviticus* 23-27, 2271. He movingly describes his participation in a conference on the Jubilee attended by representatives of the Third World who made it their "rallying cry."

Jewish Publication Society, 1989), 271.

10. Moshe Greenberg, *Understanding Exodus* (New York: Behrman House, 1969), 181.

11. *Lekach Tov* to Exodus 21:2.

12. *Sifra, Behar* 6:1.

13. Although the text is not clear on this issue, many biblical scholars believe that this provision deals with non-Israelite slaves who run away from masters elsewhere and seek refuge in Israel. Does it also apply to Israelites? See Jeffrey Tigay, *The JPS Torah*

Commentary:

Deuteronomy

(Philadelphia: Jewish
Publication Society,
1996), 215.

14. Catherine Hezser takes
this position; see Hezser,
Jewish Slavery, 268.

15. Daniela Piattelli, "The
Enfranchisement
Document on behalf of
the Fugitive Slave, and as
Elaborated in Rabbinic
Jurisprudence," in
*Jewish Law Association
Studies 3: The Oxford
Conference Volume*, ed.
A. M. Fuss (Atlanta:
Scholars Press, 1987), 59.

16. Hezser, *Jewish Slavery*,

29.

17. See also Nehemiah 5:2-13.

18. Similarly, *Sifra, Behar* 2:4-5, indicates that the Jubilee laws of freeing slaves were not always followed in the Rabbinic period as well.

19. Maimonides, *Mishneh Torah, Hilkhoh Avadim* 5:5.

20. *Mekhilta, Nezikin* 1. See also Talmud, *Ketubot* 96a; *Sifre, Devarim* 37.

21. *Sifra, Behar* 6:1.

22. *Tosefta, Baba Kamma* 7:5; Talmud, *Kiddushin* 22b. The word *avadim* here is often

edition Lauterbach, 3:17.

25. Maimonides, *Mishneh Torah, Hilkhhot Avadim* 3:6-7.

26. Talmud, *Kiddushin* 17b; Maimonides, *Mishneh Torah, Hilkhhot Avadim* 2:12. If there is no son, the slave goes free immediately.

27. Talmud, *Kiddushin* 20a and 22a; *Sifra, Behar* 7:3.

28. This was based on an interpretation of Leviticus 25:10 in *Sifra, Behar*: “You shall proclaim release throughout the land for all its inhabitants”—“when all its inhabitants

- are in the land." See Talmud, *Kiddushin* 69a and *Gittin* 65a.
29. Flesher, *Oxen*, 33; Hezser, *Jewish Slavery*, 33.
30. *Mishneh Torah, Hilkhhot Avadim* 1:10.
31. *Yoreh Deah, Avadim* 267. This was brought to my attention by Rabbi Charles Kraus.
32. *Mishneh Torah, Hilkhhot* 9:8.
33. Ibid.
34. Ibid., 2:69.
35. See Talmud, *Baba Metzia* 7:6; Maimonides, *Miskneh Torah, Hilkhhol Avadim*, 4:7,

36. Hezser, *Jewish Slavery*, 211.

37. Philo, "The Special Laws," in *The Works of Philo Judaeus*, trans. from the Greek by Charles Duke Yonge (London: H. G. Bohn, 1854-1890), bk. 2, lines 79ff.

38. Tigay, *JPS Torah Commentary: Deuteronomy*, 148.

39. Flesher, *Oxen*, 167.

13. The Needy Must Be Cared For

1. That is, if he has had to sell or mortgage his land so that he in effect is like the resident alien, a mere

American Rabbis Yearbook 31, ed. Isaac E. Maruson (Cincinnati: Central Conference of American Rabbis, 1921), 210.

16. Ibid., 217.

17. See Sama, *JPS Torah Commentary: Exodus*, 139.

18. Yehezkel Kaufmann, *The Religion of Israel*, trans. and abridged by Moshe Greenberg (Chicago: University of Chicago Press, 1960), 366.

19. Ibid., 402.

20. Abraham J. Heschel, *The Prophets*

(Philadelphia: Jewish Publication Society, 1962), 3-5.

21. Mark Zborowski and Elizabeth Herzog, *Life Is with People* (New York: International Universities Press, 1952), 193ff.

14. A Day of Rest for All

1. Nahum M. Sama, *Understanding Genesis* (New York: Jewish Theological Seminary of America, 1966), 20.

2. Yehezkel Kaufmann, *The Religion of Israel*, trans. and abridged by Moshe Greenberg (Chicago: University of Chicago Press, 1960), 117.

3. Abraham Joshua Heschel, *The Sabbath* (New York: Farrar, Straus and Giroux, 1951), 21.
4. Kaufmann, *Religion*, 117.
5. Heschel, *Sabbath*, 9.
6. *Mekhilta*, *Bachodesh* 7.
7. See Solomon Goldman, *The Ten Commandments* (Chicago: University of Chicago Press, 1956), 161-65, for a discussion of these various theories.
8. Theodore H. Gaster, *Festivals of the Jewish Year* (New York: William Sloan, 1953), 267.
9. Rabbinic midrash assumes that they

observed it, as it anachronistically sees them as observing many of the commandments of the Torah, but this has no historical significance. The midrash even has Adam and Eve observing the Sabbath on their first day of exile from the Garden of Eden (*Avot D'Rabbi Natan A*).

10. Goldman, Ten *Commandments*, 168.

11. Italics mine. See also Deuteronomy 5:14, 'so that your male and female slave may rest as you do.'

12. See Jeffrey H. Tigay, *The JPS Torah*

Commentary:

Deuteronomy

(Philadelphia: Jewish
Publication Society,
1996), xiii, 69.

13. "The Sabbath is a sign
of Jewish indolence, was
the opinion held by
Juvenal, Seneca and
others" (Heschel,
Sabbath, 13).

14. See also Amos 8:5,
where they cannot wait
for the Sabbath to be over
so they can engage in
dishonest business
practices.

15. Heschel, *Sabbath*, 3.

16. Ibid., 27.

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Akhenaton, 15

Akiba, Rabbi.

38.45,81,82.105 Aleinu

prayer, 79,117 Amon-Re, 54

Amos: care for the needy

and. 160,

171-72; equality of human

beings and, 78-79; human

sovereignty and, 121;

morality and, 42-43,45

Angels. 15,25-26 Animals,

day of rest and. 180-82 Are

Men *Equal?* (Myers), 82-

83 Ark of the Covenant,

48,50 Atheism and

agnosticism. 20-22 Aton

(sun god). 14-15 Autumn

festivals, 56, 57

Baal, 25

Babylon. See Mesopotamia

Bad luck, days of. 178-79
Ben Azzai, 81-82
Ben Rabbi, Simeon, 156
Ben Zakkai, Rabbi
Yochanan, 156
Blessings, 124,132
Book of the Dead (Egypt),
130
Breath of God, creation
and, 67-68
Cain and Abel, 102,107,161
Calendars, seven-day week
and, 177-79 Canaanites. 76-
77, 154-55,158 Chance.
God's power and, 32
Chosen people, 73-74,78
Christianity, 30,70,133,182
Code of Hammurabi, 37,
38,95. 162 Commerce, day
of rest and, 184-85

Compensation, for murder. 65
Confessions of sin, 55
Covenant, day of rest as sign of, 183-84
Creation stories, 13, 62-63. 84-85, 177-78
Crescas. Hisdai. 104-5
David, 50-51
Davidic dynasty, 117, 120, 121
Day of Atonement. 54-55
Day of rest, 6. 176-77. 190; commerce and, 184-85; in the modern world, 185-86; Sabbath observance and, 179-80; seven-day week and, 177-79; as sign of the covenant, 183-84; workers and animals, 180-83
Days of Awe, 108
Dead, the, 130

needy and. 173-74; Moses and. 188; nature of God and, 16,48,66; sacrifices and, 53-54; slavery and, 155, 157, 158; theological approaches to God and, 19 Malachi, 78.123 Marriage and divorce. 85,95-97 "Meditation on Divine Will" (Lincoln). 106 Meir, Rabbi, 75

Mercy. 35-38.40,75-76,108,158 Mesopotamia: creation stories, 13.62-63; gods and worship, 12, 52,128; laws and legal codes. 37, 38.168; morality and, 41; rights of women and. 93; social classes and. 162 Micah, 43, 45

Jubilee years and, 140-42
Repentance, 107-8
Righteous Gentiles. 75-79
Rituals: morality and, 37,
39, 42.43,45; priests and
Levites and, 124; Psalms
and,44
Roman Empire,
19,96,149,158,168, 178,182
Runaway slaves, 154 Ruth,
89,165
Sabbath. 56.179-80.185-84.
See also Day of rest
Sabbatical years,
134,136,137-40,151, 170
Sacredness, of human life,
61-63; creation of human
beings and. 63-68; human
imperfection and. 68-71
Sacrifices, 42, 51-

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